

TUESDAY, MAY 27, 1997

FORTY-SEVENTH LEGISLATIVE DAY

The House met at 3:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Curtiss.

Representative Curtiss led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Ritchie; personal reasons

Representative Rhinehart; illness

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 29: Rep(s). Cooper and Langster as prime sponsor(s).

House Resolution No. 99: Rep(s). Cross as prime sponsor(s).

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House Resolution No. 101: Rep(s). Bone as prime sponsor(s).

House Resolution No. 109: Rep(s). Dunn as prime sponsor(s).

House Resolution No. 110: Rep(s). Goins as prime sponsor(s).

House Resolution No. 111: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 330: Rep(s). Stamps as prime sponsor(s).

House Joint Resolution No. 341: Rep(s). Stamps as prime sponsor(s).

House Joint Resolution No. 357: Rep(s). Chumney as prime sponsor(s).

House Joint Resolution No. 358: Rep(s). Dunn, Tindell and Armstrong as prime sponsor(s).

House Joint Resolution No. 364: Rep(s). Chumney as prime sponsor(s).

House Joint Resolution No. 381: Rep(s). Bone as prime sponsor(s).

House Bill No. 436: Rep(s). Rinks as prime sponsor(s).

House Bill No. 570: Rep(s). Brown as prime sponsor(s).

House Bill No. 586: Rep(s). Langster and Bowers as prime sponsor(s).

House Bill No. 766: Rep(s). Stamps, McDaniel, White, Bittle, Curtiss, Whitson, McDonald, Sands and Hargrove as prime sponsor(s).

House Bill No. 1104: Rep(s). Turner (Shelby) as prime sponsor(s).

House Bill No. 1140: Rep(s). Haley and Hargett as prime sponsor(s).

House Bill No. 1193: Rep(s). Gunnels, U. Jones, Kernell, Stamps and Miller as prime sponsor(s).

House Bill No. 1206: Rep(s). Odom as prime sponsor(s).

House Bill No. 1329: Rep(s). Langster, U. Jones, Hood, Kent, Cole (Carter) and Boner as prime sponsor(s).

House Bill No. 1394: Rep(s). Brooks, Bowers and Brown as prime sponsor(s).

House Bill No. 1395: Rep(s). Bowers as prime sponsor(s).

House Bill No. 1404: Rep(s). Beavers, Brooks, McDonald and Maddox as prime sponsor(s).

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House Bill No. 1427: Rep(s). L. DeBerry, Bowers and Turner (Hamilton) as prime sponsor(s).

House Bill No. 1519: Rep(s). Davidson as prime sponsor(s).

House Bill No. 1536: Rep(s). Bowers as prime sponsor(s).

House Bill No. 1786: Rep(s). Beavers, Langster, Bowers and Brooks as prime sponsor(s).

House Bill No. 1820: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1898: Rep(s). Jackson as prime sponsor(s).

House Bill No. 1922: Rep(s). Roach, Beavers, Walley Brooks, Dunn, Mumpower, White and Boyer as prime sponsor(s).

ENROLLED BILLS

May 23, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 383, 800, 801, 1162, 1259, 1620 and 1755.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 23, 1997

The Speaker signed the following: House Bill(s) No(s). 383, 800, 801, 1162, 1259, 1620 and 1755.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 23, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 54, 142, 286, 302, 303, 304, 305 and 347.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 23, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 54, 142, 286, 302, 303, 304, 305 and 347

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 23, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 266, 832, 545, 1289, 1301, 1337, 1652, 1946, 1988, 1997, 1999, 2002, 2004, 2007, 2008 and 2009; House Joint Resolution(s) No(s). 317; also, House Resolution(s) No(s). 82, 88, 92, 93 and 94.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 23, 1997

The Speaker signed the following: House Bill(s) No(s). 266, 832, 545, 1289, 1301, 1337, 1652, 1946, 1988, 1997, 1999, 2002, 2004, 2007, 2008 and 2009; House Joint Resolution(s) No(s). 317; also, House Resolution(s) No(s). 82, 88, 92, 93 and 94.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 23, 1997

The Speaker signed the following: Senate Bill(s) No(s). 400, 518, 716, 777, 800, 888, 1341 and 1810; also, Senate Joint Resolution(s) No(s). 182, 183, 197, 201, 202, 250, 251, 257, 258, 261, 262, 263, 264, 266, 267, 271, 272, 274, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291 and 292.

ENROLLED BILLS

May 23, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 339, 599, 615, 1052, 1062 and 1925.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 23, 1997

The Speaker signed the following: House Bill(s) No(s). 339, 599, 615, 1052, 1062 and 1925.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1014, 1161, 1792, 1822, 1995, 2004 and 2022; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1014** -- State Employees - Enacts "State Employees Inclement Weather Leave Act." Amends TCA Title 8, Chapter 50. by *Gilbert, *Williams.

Senate Bill No. 1161 -- Environmental Preservation - Prohibits state purchases of Champion Paper products; encourages other consumers to boycott such products until Champion stops polluting Pigeon River Amends TCA Title 12 and Title 69. by *Haun.

***Senate Bill No. 1792** -- Religion and Religious Organizations - Enacts "Tennessee Student Religious Liberty Act of 1997." Amends TCA Title 49, Chapter 6, Part 10. by *Herron, *Dixon, *Williams.

Senate Bill No. 1822 -- Alcoholic Offenses - Increases criminal penalties for beer sales to minors Amends TCA Title 57, Chapter 5, Part 3. by *Gilbert, *Person, *McNally.

Senate Bill No. 1995 -- Monterey - Subject to approval by referendum, revises city charter to extend current terms of mayor and aldermen to August 2000 general election so that two year terms would run from that election instead of December election. Amends Chapter 492 of the Acts of 1901. by *Burks.

Senate Bill No. 2004 -- Paris - At the request of Paris special school district board, authorizes issuance of \$3 million in bonds by district for construction of new school building. Amends Chapter 150 of the Private Acts of 1919. by *Herron.

Senate Bill No. 2022 -- Hamilton County - Subject to local approval, for William L. Bork Memorial Hospital, revises references from Hamilton County council to Hamilton County legislative body; revises selection of board of trustees; and authorizes county legislative body to select board of trustees, Hamilton County general government, or private contract to manage hospital. Amends Chapter 248 of the Private Acts of 1967-1968. by *Fowler, *Crutchfield.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 54, 57, 199, 234, 243, 277, 278, 279, 293, 294, 295, 296, 297, 298, 299, 301, 302, 305, 306, 307, 310, 311, 312, 313, 314, 322, 323, 324, 325, 326 and 328; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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***Senate Joint Resolution No. 54** -- General Assembly, Studies - Continues special joint committee created by HJR 301 and continued by SJR 313 to study transfer of certain social service programs to state governments via use of federal block grants. by *Dixon.

Senate Joint Resolution No. 57 -- Naming and Designating - "Tennessee Treasures," by Michael Sloan, official painting of Tennessee. by *Haynes, *Henry.

***Senate Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study development and implementation of model grading policy. by *Springer.

***Senate Joint Resolution No. 234** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Dixon, *Crowe.

***Senate Joint Resolution No. 243** -- General Assembly, Studies - Creates special joint committee to study various issues addressed in "Patient Advocacy Act of 1997." by *Graves, *Rochelle, *Elsea, *Cooper, *McNally, *Crutchfield, *Person, *Cohen, *Dixon, *Kurita, *Carter.

Senate Joint Resolution No. 277 -- Memorials, Academic Achievement - Samuel John Crutcher, Valedictorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 278 -- Memorials, Academic Achievement - Paul Thaxton, Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 279 -- Memorials, Interns - Christina McKinney. by *Springer.

Senate Joint Resolution No. 293 -- Memorials, Academic Achievement - Tara Webb, Valedictorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 294 -- Memorials, Academic Achievement - Katie Canida, Salutatorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 295 -- Memorials, Recognition and Thanks - Saint Mary's Catholic School choir. by *McNally, *Davis L, *Wilder.

Senate Joint Resolution No. 296 -- Memorials, Death - Commissioner George W. Davis. by *Crowe.

Senate Joint Resolution No. 297 -- Memorials, Interns - Jennifer Garrison. by *Herron.

Senate Joint Resolution No. 298 -- Memorials, Sports - Brad Nielsen. by *Herron.

Senate Joint Resolution No. 299 -- Memorials, Sports - Beth Anne Boroughs. by *Herron.

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Senate Joint Resolution No. 301 -- Memorials, Death - Christopher "Chris" Clark Lendley. by *Burks.

Senate Joint Resolution No. 302 -- Memorials, Professional Achievement - Randy and Bill Cunningham, State Farm Insurance, Fayetteville, 68 years of service. by *Cooper.

Senate Joint Resolution No. 305 -- Memorials, Interns - Janet Layman. by *Womack.

Senate Joint Resolution No. 306 -- Memorials, Public Service - Robert C. Byrd, Sr. by *Kyle, *Cohen.

Senate Joint Resolution No. 307 -- Memorials, Public Service - Representative Dan R. Byrd, Bartlett. by *Kyle, *Cohen, *Harper, *McNally.

Senate Joint Resolution No. 310 -- Memorials, Sports - Dana Conner. by *Herron.

Senate Joint Resolution No. 311 -- Memorials, Sports - Ashley McElhiney. by *Herron.

Senate Joint Resolution No. 312 -- Memorials, Sports - Julian Robinson. by *Herron.

Senate Joint Resolution No. 313 -- Memorials, Sports - Nate Davis. by *Herron.

Senate Joint Resolution No. 314 -- Memorials, Sports - Marvin McKnight and Joe "Nip" McKnight, Jackson-Madison County Sports Hall of Fame. by *Herron, *Carter, *Cohen, *Harper.

Senate Joint Resolution No. 322 -- Naming and Designating - "Leda Herron Day," May 28, 1997. by *Davis L.

Senate Joint Resolution No. 323 -- Memorials, Interns - Sam Allen. by *Burks.

Senate Joint Resolution No. 324 -- Memorials, Academic Achievement - Brian Cunningham, Valedictorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 325 -- Memorials, Academic Achievement - Emily Lynne George, Salutatorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 326 -- Memorials, Personal Occasion - Rhoda Cates Hyder, 90th birthday. by *Crowe.

Senate Joint Resolution No. 328 -- Memorials, Sports - Tonya Tuggles. by *Carter, *Herron.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 112** -- General Assembly, Directed Studies - Urges Council on Pensions and Insurance to thoroughly review Request for Proposal process for state employee health insurance contracts. by *Eckles, *Odom, *Boner, *Cross, *West, *Walley, *Williams (Williamson), *Jones, S., *McDonald, *Jackson, *Bone, *Patton, *McDaniel, *Head.

Finance, Ways & Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 28, 1997:

House Joint Resolution No. 390 -- Memorials, Personal Occasion - Frannie Braden Walker, 100th birthday. by *Sands, *Fowlkes.

House Joint Resolution No. 391 -- Memorials, Recognition and Thanks - Robert Gilbert and James McKee. by *Sands, *White.

House Joint Resolution No. 392 -- Memorials, Recognition and Thanks - Ewing P. "Pat" Troope, Jr. by *Sands.

House Joint Resolution No. 393 -- Memorials, Recognition and Thanks - Radio station WKRM, Columbia. by *Sands, *White.

House Joint Resolution No. 394 -- Memorials, Interns - Nathan Ward. by *Naifeh.

House Joint Resolution No. 395 -- Memorials, Interns - Monica Johnson, Intern for House Speaker Jimmy Naifeh. by *Naifeh.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 54** -- General Assembly, Studies - Continues special joint committee created by HJR 301 and continued by SJR 313 to study transfer of certain social service programs to state governments via use of federal block grants. by *Dixon.

Calendar & Rules Committee

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***Senate Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study development and implementation of model grading policy. by *Springer.

Calendar & Rules Committee

***Senate Joint Resolution No. 214** -- Highway Signs - "Zane Whitson Overlook," scenic overlook on I-181, Clear Branch community, Unicoi County. by *Haun.

Held on House Desk

***Senate Joint Resolution No. 234** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Dixon, *Crowe.

Calendar & Rules Committee

***Senate Joint Resolution No. 241** -- General Assembly, Studies - Continues for one year special joint committee created by HJR 448, Part II of 99th General Assembly to study issues relating to child custody, divorce and child support. by *Henry.

Calendar & Rules Committee

***Senate Joint Resolution No. 243** -- General Assembly, Studies - Creates special joint committee to study various issues addressed in "Patient Advocacy Act of 1997." by *Graves, *Rochelle, *Elsea, *Cooper, *McNally, *Crutchfield, *Person, *Cohen, *Dixon, *Kurita, *Carter.

Calendar & Rules Committee

***Senate Joint Resolution No. 246** -- General Assembly, Studies - Creates special joint committee to study methods for securing dedicated funding for public transportation. by *Haun, *Womack, *Springer, *Crutchfield, *Crowe, *Carter, *Dixon.

Finance, Ways & Means Committee

***Senate Joint Resolution No. 300** -- Highway Signs - "L. B. Hassler Bridge," Obey River branch, Dale Hollow Lake on S.R. 42/111, Pickett County. by *Burks, *Davis L, *Henry.

Calendar & Rules Committee

Senate Joint Resolution No. 322 -- Naming and Designating - "Leda Herron Day," May 28, 1997. by *Davis L.

Calendar & Rules Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2026 -- Cleveland - Subject to local approval, authorizes residential property acquired by city through tax sales or condemnation be given or sold at nominal consideration to organization like Habitat for Humanity to be refurbished and given or sold to private property owner to insure property remains attractive and returned to city's tax roll. Amends Chapter 78 of the Private Acts of 1993. by *Bird, *Newton.

House Bill No. 2027 -- Byrdstown - Subject to local approval, revises charter. Amends Chapter 815 of the Private Acts of 1917, and all acts amendatory thereto. by *Winningham.

House Bill No. 2028 -- Tullahoma - Subject to local approval, increases power of board of mayor and aldermen. Amends Chapter 553 of the Acts of 1903; as amended. by *Lewis.

House Bill No. 2029 -- School Districts, Special - Authorizes Franklin Special School District to issue refunding bonds. Amends Chapter 181 of the Private Acts of 1992. by *Williams (Williamson).

House Bill No. 2030 -- Murfreesboro - Establishes procedure for disciplinary review board to appoint licensed attorneys as hearing officers to hear certain contested personnel cases. Amends Chapter 429 of the Private Acts of 1931; as amended. by *Eckles.

House Bill No. 2031 -- Bethel Springs - Subject to local approval, revises charter - Repeals Chapter 793, Private Acts of 1927, as amended. by *Rinks.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 2022 -- Hamilton County - Subject to local approval, for William L. Bork Memorial Hospital, revises references from Hamilton County council to Hamilton County legislative body; revises selection of board of trustees; and authorizes county legislative body to select board of trustees, Hamilton County general government, or private contract to manage hospital. Amends Chapter 248 of the Private Acts of 1967-1968. by *Fowler, *Crutchfield. (HB2018)

***Senate Bill No. 1792** -- Religion and Religious Organizations - Enacts "Tennessee Student Religious Liberty Act of 1997." Amends TCA Title 49, Chapter 6, Part 10. by *Herron, *Dixon, *Williams. (HB1922)

***Senate Bill No. 1014** -- State Employees - Enacts "State Employees Inclement Weather Leave Act." Amends TCA Title 8, Chapter 50. by *Gilbert, *Williams. (HB1394)

Senate Bill No. 1907 -- Historical Sites - Transfers administration of Cordell Hull birthplace from historical commission to department of environment and conservation; provides for personnel to manage such site Amends TCA Title 4, Chapter 13, Part 6. by *Burks, *Davis L. (*HB1854)

***Senate Bill No. 627** -- Pensions and Retirement Benefits - Provides for funding of pension benefits for past service of employees of defunct local governments through bonds issued for public works projects under Local Government Public Obligations Act of 1986. Amends TCA Title 9, Chapter 21, Part 1. by *Gilbert, *Atchley, *McNally. (HB1395)

***Senate Bill No. 1562** -- District Attorneys - Creates additional assistant district attorney and criminal investigator positions in specified judicial districts. Amends TCA Section 16-2-506. by *Crutchfield. (HB1613)

***Senate Bill No. 1618** -- University of Tennessee - Authorizes board of trustees to create private nonprofit corporation to operate University of Tennessee Memorial Research Center and Hospital. Amends TCA Title 49, Chapter 9. by *Atchley. (HB1123)

***Senate Bill No. 1706** -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Gilbert, *McNally, *Atchley, *Elsa, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella. (HB1816)

***Senate Bill No. 1819** -- Election Laws - Establishes criminal penalty for pattern of violation by PAC officers Amends TCA Title 2, Chapter 10. by *Gilbert. (HB1898)

Senate Bill No. 1161 -- Environmental Preservation - Prohibits state purchases of Champion Paper products; encourages other consumers to boycott such products until Champion stops polluting Pigeon River Amends TCA Title 12 and Title 69. by *Haun. (*HB444)

Senate Bill No. 1822 -- Alcoholic Offenses - Increases criminal penalties for beer sales to minors Amends TCA Title 57, Chapter 5, Part 3. by *Gilbert, *Person, *McNally. (*HB1680)

Senate Bill No. 1995 -- Monterey - Subject to approval by referendum, revises city charter to extend current terms of mayor and aldermen to August 2000 general election so that two year terms would run from that election instead of December election. Amends Chapter 492 of the Acts of 1901. by *Burks. (HB2015)

Senate Bill No. 2004 -- Paris - At the request of Paris special school district board, authorizes issuance of \$3 million in bonds by district for construction of new school building. Amends Chapter 150 of the Private Acts of 1919. by *Herron. (HB2014)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2022 -- Dickson -- Local Bill Held on House Desk

House Bill No. 2023 -- Cleveland -- Local Bill Held on House Desk

House Bill No. 2024 -- Rhea County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 26, 1997**, reported the following:

EDUCATION

The Education Committee recommended for passage: House Resolution(s) No(s). 89, also House Bill(s) No(s). 205 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee further reported that House Bill No(s). 1123 was considered, but failed to pass.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 27, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 28, 1997**: House Bill(s) No(s). 1785, 1047, 1898, 1354, 1036, 1038, 1360, 1110, 90, 861, 146, 674, 1986, 370, 1042, 1621, 436, 1379, 1119, 410, 387, 1066, 1510, 1822, 1220, 1152, 1810, 1399, 1793, 1794, 1401, 1606, 1796, 1806, 1516, 595, 1804, 1758, 1443, 597, 1022, 209, 1816, 1996, 166, 928, 205 and 636.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 28, 1997**: House Bill(s) No(s). 535, 756, 513, 1759, 1378, 811; also, Senate Bill(s) No(s). 1989 and Senate Joint Resolution(s). No(s). 32, 139, 53, 217, 231, 233 and 322.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1794, 1401, 1606, 1759, 1378, 1822, 1443, 1022, 1119, 1379, 370, 811, 166, 1986, 1042, 861, 513, 1621, 410, 387, 636, 1220, 1152, 1810 and 205; also, Senate Joint Resolution(s) No(s). 231 233, also House Bill(s) No(s). 1793, 146, 1796, 1806, 674, 1516, 595, 1804, 1758, 597, 209, 1816, 1996, 928, 436, 1510 and 1399 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: Senate Joint Resolution(s) No(s). 41 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Bill No. 1677 -- Bail, Bail Bonds - Establishes duration of criminal bail bonds and times during appellate process when defendant must make new bonds Amends TCA Title 40, Chapter 11. by *Kent, *Windle. (*SB818 by *Rochelle)

House Bill No. 1767 -- Victims Rights - Makes expenses incurred by victim traveling to and from trial of defendant alleged to have committed compensable offense against such victim reimbursable under criminal injuries compensation fund Amends TCA Title 29, Chapter 13; Title 39 and Title 40. by *Maddox, *Pleasant, *Haley, *Hargett. (*SB1793 by *Herron)

***House Bill No. 1820** -- Juvenile Offenders - Allows extradition of juvenile charged with any criminal act from any other state adopting this provision to Interstate Compact on Juveniles. Amends TCA Title 37, Chapter 4, Part 1. by *Halteman Harwell, *Kent, *McDaniel, *Davis R, *Stamps, *Pleasant. (SB1928 by *McNally, *Atchley, *Fowler, *Person, *Jordan, *Koella, *Ramsey, *Carter, *Gilbert, *Miller J, *Elsea, *Leatherwood, *Crowe, *Williams)

House Bill No. 1843 -- Penal and Reformatory Institutions - Creates offense for law enforcement or correctional officer to engage in sexual contact with prisoner or inmate; violation is Class A misdemeanor. Amends TCA Title 39 and Title 41. by *Davis R. (*SB281 by *Haun)

On motion, House Bill No. 1843 was made to conform with **Senate Bill No. 281**, the Senate Bill was substituted for the House Bill.

House Bill No. 1912 -- Industrial Development - Deletes requirement, concerning industrial development corporations, that amount payable in lieu of taxes by hotel and motel lessees ten years after completion of project on leased property shall be not less than ad valorem taxes otherwise due and payable on current fair market value of property. Amends TCA Title 7, Chapter 53, Part 3. by *DeBerry L, *Bowers. (*SB1817 by *Ford J, *Cohen, *Dixon)

On motion, House Bill No. 1912 was made to conform with **Senate Bill No. 1817**; the Senate Bill was substituted for the House Bill.

House Bill No. 1977 -- Bartlett - Subject to local approval, enacts hotel/motel occupancy tax. by *Hargett. (SB1984 by *Leatherwood, *Person, *Kyle)

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House Bill No. 2011 -- Hawkins County - Subject to local approval, authorizes advisory referendum on zoning. by *Givens. (SB2026 by *Williams)

House Bill No. 2012 -- Giles County - Subject to local approval, authorizes appointment and compensation of part-time clerk of grand jury to handle administrative duties but not be part of grand jury deliberations. by *Fowlkes. (SB2019 by *Cooper)

House Bill No. 2013 -- Nolensville - Subject to local approval, authorizes levy and collection of privilege tax on new development to defray fiscal impact of providing services related to development. by *Sargent.

House Bill No. 2016 -- Sevier County - Subject to local approval, directs trustee to deposit \$2.00, instead of \$1.00, of litigation tax into courthouse building fund. Amends Chapter 12 of the Private Acts of 1983. by *Huskey. (SB2025 by *Koella)

House Bill No. 2017 -- Warren County - Subject to local approval, increases from \$2,000 to \$5,000 amount of purchases county purchasing commission may make without sealed bids. Amends Chapter 16 of the Private Acts of 1951; as amended. by *Rhinehart, *Curtiss. (SB2024 by *Cooper)

House Bill No. 2018 -- Hamilton County - Subject to local approval, for William L. Bork Memorial Hospital, revises references from Hamilton County council to Hamilton County legislative body; revises selection of board of trustees; and authorizes county legislative body to select board of trustees, Hamilton County general government, or private contract to manage hospital. Amends Chapter 248 of the Private Acts of 1967-1968. by *Sharp, *Wood, *Stulce, *McAfee, *Brown, *Turner (Hamilton). (SB2022 by *Fowler, *Crutchfield)

On motion, House Bill No. 2018 was made to conform with **Senate Bill No. 2022**; the Senate Bill was substituted for the House Bill.

House Bill No. 2019 -- Niota - Revises general powers of charter of City of Niota. Amends Chapter 48 of the Private Acts of 1919; as amended. by *McKee. (SB2027 by *Elsea)

House Bill No. 2020 -- Hartsville - Subject to local approval, permits nonresident property owners to vote in city elections. Amends Chapter 269 of the Private acts of 1974. by *Bone. (SB2028 by *Rochelle)

House Bill No. 2021 -- Jackson - Subject to local approval, authorizes board of utility commissioners to sell and deliver telecommunications services. Amends Chapter 101 of the Private Acts of 1993. by *Kisber. (SB2032 by *Carter)

***House Resolution No. 68** -- General Assembly, Studies - Continues house committee to study earthquake preparation. by *Kernell, *Haley, *Bowers, *Brooks, *Pinion.

House Resolution No. 95 -- Memorials, Sports - Christy Baird, West High School track and cross-country star. by *Dunn, *Burchett.

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***House Joint Resolution No. 49** -- General Assembly, Studies - Continues special joint committee established by HJR 415 to study issues relating to graduated driver licenses. by *Fowlkes.

***House Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study technologically advanced traffic control systems, including intelligent transportation system. by *Jones, S.

***House Joint Resolution No. 248** -- Highway Signs - "Benny Martin," U.S. 70 and 111, White County. by *Curtiss.

***House Joint Resolution No. 280** -- General Assembly, Studies - Creates special joint committee to study various issues addressed in "Patient Advocacy Act of 1997," including "any willing provider" provisions. by *Odom.

***House Joint Resolution No. 281** -- General Assembly, Studies - Creates special joint committee to study issues involved with landowner granting permission to enter upon property for hunting or fishing. by *Rinks.

***House Joint Resolution No. 287** -- General Assembly, Studies - Creates special joint committee to perform comprehensive analysis of methadone and usage. by *Davis R, *Westmoreland.

***House Joint Resolution No. 309** -- General Assembly, Directed Studies - Directs select joint committee on children and youth to study methods by which various state agencies serving children and youth might promote innate resilient characteristics of children which help them to overcome growing up in at risk circumstances and to survive traumatic events. by *DeBerry L.

House Joint Resolution No. 330 -- Naming and Designating - "Vietnam Veterans Appreciation Year," 1997. by *Walley.

House Joint Resolution No. 341 -- Naming and Designating - "Gospel Music Week in Tennessee," September 8-14, 1997. by *McKee.

House Joint Resolution No. 345 -- Memorials, Death - Isaac "Charles" Shoffner. by *Goins.

House Joint Resolution No. 346 -- Memorials, Congratulations - Big Ridge Elementary School, 1996-1997 Advocates for Children Award. by *Stulce.

House Joint Resolution No. 348 -- Memorials, Interns - Sasha-Gaye Angus. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 349 -- Memorials, Public Service - John Laurens Tullock. by *Burchett.

House Joint Resolution No. 350 -- Memorials, Interns - Giovanni N. Dortch. by *Ritchie.

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House Joint Resolution No. 351 -- Memorials, Academic Achievement - Melissa Sue Gill, Salutatorian, Claiborne County High School. by *Goins.

***Senate Joint Resolution No. 22** -- General Assembly, Directed Studies - Directs joint study relative to issuance of Lifetime Sportsman License by TWRA. by *Cooper.

***Senate Joint Resolution No. 61** -- General Assembly, Studies - Continues special joint committee (HJR 448, 99th General Assembly) to study delivery of mental health services. by *Henry, *Atchley, *Wilder, *Dixon.

***Senate Joint Resolution No. 85** -- General Assembly, Confirmation of Appointment - Dr. June Scobee Rodgers, Tennessee Higher Education Commission. by *Fowler, *Crutchfield.

***Senate Joint Resolution No. 222** -- General Assembly, Studies - Creates special joint committee to study methods for increasing availability of utilization of home and community based long-term care services for elderly in wide range of settings, and options for allocating public resources for such services. by *Haynes, *Henry, *Crowe, *Carter, *Person.

Senate Joint Resolution No. 303 -- Memorials, Academic Achievement - Jerry Wayne Smith, Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 304 -- Memorials, Academic Achievement - Jeanna Emert, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 308 -- Memorials, Interns - Renee Chapman. by *Haynes.

Senate Joint Resolution No. 309 -- Memorials, Sports - Gordonsville High School girls' basketball team. TSSAA Class A State Tournament Semi-finalist. by *Rochelle.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1677: by Rep. Brooks

House Bill No. 2013: by Rep. Sargent

Senate Joint Resolution No. 222: by Rep. Eckles

Under the rules, House Bill(s) No(s). 1677, 2013 and Senate Joint Resolution(s) No(s). 222 was/were placed at the foot of the calendar for May 28, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all

Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1869** -- Education, Higher - Establishes new higher education governing board. Amends TCA Title 49, Chapter 7. by *Davidson, *Pinion. (SB1897 by *Womack)

Rep. Davidson moved that House Bill No. 1869 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1193 -- General Assembly - Creates commission to recommend appropriate compensation for members of general assembly Amends TCA Title 3, Chapter 1. by *Kerr. (*SB1277 by *Koella)

Further consideration of House Bill No. 1193, previously considered on April 28, 1997, and May 12, 1997, and reset to today's Calendar.

Rep. Kerr moved that House Bill No. 1193 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1193 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. (a) There is created a committee to be known as the Advisory Committee on the General Assembly.

(b)(1) On or before January 1, 1998, the committee shall make recommendations to the speaker of the senate and the speaker of the house of representatives as to their understanding of legislative duties and responsibilities and what the committee recommends as appropriate compensation, office and home office expense allowance, individual expense allowance, travel expense reimbursement, and pensions for members and officers of the general assembly. The committee shall also recommend an appropriate mechanism, if any, for future adjustments to such compensation, expense allowances and travel expense reimbursement. The committee shall also propose rules for allowable office, home office and individual allowance expenses and rules for travel reimbursement. In addition to considering the adequacy of the compensation, the committee shall make a determination whether the salaries shall be tied to increases received by state employees, to a cost-of-living factor or to any other index.

(2) As a part of the evaluation and recommendation process, the committee shall make comparisons of the compensation paid to legislators in other states, and the committee shall also make a comparative evaluation of the compensation provided to the governor and the constitutional officers.

(c) The committee shall consist of eight (8) members, four (4) of whom shall be appointed by the speaker of the senate and four (4) of whom shall be appointed by the speaker of the house. Each speaker shall appoint at least one (1) member from each grand division of the state. In making the appointments authorized herein, the speakers shall appoint citizens who have demonstrated integrity and are widely recognized as knowledgeable and successful in the areas of personnel management and compensation. Such appointees should have demonstrated leadership ability, broadly based knowledge, and significant business or professional ability. No member of the committee shall, during the duration of service on this committee, be a lobbyist, legislator, an elected municipal, county, or state official or an employee of state or local government, an employee of any association of governments or government officials, or an immediate family member of such persons or officials.

(d) The committee shall meet in Nashville at such times and places as it deems necessary.

(e) The committee shall elect one (1) member to serve as chair of the committee.

(f) The committee may establish such subcommittees as it deems necessary for the performance of its duties.

(g) Members of the committee shall receive no compensation for their services, but shall be reimbursed for travel and other expenses actually incurred in the performance of their official duties. Such reimbursement shall be paid in accordance with the provisions of the comprehensive travel

regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(h) The office of the comptroller of the treasury, the office of the state treasurer and the office of legislative administration shall provide staff and such other assistance as may be necessary for the committee to fulfill its duties.

(i) The committee shall cease to exist upon filing its recommendations with the speaker of the senate and the speaker of the house of representatives.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **House Bill No. 1193**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	77
Noes	16
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Bone, Caldwell, Davidson, Eckles, Ferguson, Fitzhugh, Goins, Hood, Maddox, McDonald, Phelan, Rinks, Stulce, White, Whitson, Windle -- 16.

Representatives present and not voting were: Boner, Tidwell -- 2.

A motion to reconsider was tabled.

***Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers Amends TCA Section 40-35-302. by *Springer, *Crutchfield. (HB437 by *Fowlkes)

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Further consideration of Senate Bill No. 510, previously considered on May 8, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 2, and reset the bill.

Senate Bill No. 510 was further considered on May 14, 1997, at which time the House adopted Amendment(s) No(s). 4, 5 and 6, and reset the bill to the Calendar for May 21, 1997. Senate Bill No. 510 was then reset for today's Calendar.

Rep. Fowlkes moved that Senate Bill No. 510, as amended, be passed on third and final consideration.

Rep. Churnney moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Scroggs moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Lewis moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND Senate Bill No. 510 by deleting the following language:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

13,100

13,370

40,200

40,500

and by substituting instead the following language:

Section _____. The provisions of this act shall not apply in any county having a population of not less than forty thousand two hundred (40,200) nor more than forty thousand five hundred (40,500) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 9 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 10 as follows:

Amendment No. 10

AMEND Senate Bill No. 510 by deleting House Amendment No. 4 (HA0532 / DE 00744897) in its entirety.

On motion, Amendment No. 10 was adopted.

Rep. Scroggs moved adoption of Amendment No. 11 as follows:

Amendment No. 11

AMEND Senate Bill No. 510 by adding the following new subdivision (g)(2) to the amendatory language of Section 1 and by renumbering the subsequent subdivisions accordingly:

(2) Any entity providing probation supervisory services shall post a performance surety bond in an amount equal to the amount of coverage required to be provided under the Governmental Tort Liability Act. The bond shall provide recourse for the county or municipality in the event of nonperformance, default or breach of contract by the contracting entity and cover claims that may arise based on such entity's nonperformance. A copy of such bond shall be filed with the clerk of all courts in each county in which the entity provides such probation supervisory services.

On motion, Amendment No. 11 was adopted.

Rep. Maddox moved adoption of Amendment No. 12 as follows:

Amendment No. 12

AMEND Senate Bill No. 510 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

27,500

27,750

31,900

32,200

7,100

7,175

31,500

31,800

On motion, Amendment No. 12 was adopted.

Rep. Churney moved adoption of Amendment No. 13 as follows:

Amendment No. 13

AMEND Senate Bill No. 510 by deleting the second and third sentences of subsection (g)(3) of Section 1.

AND FURTHER AMEND by adding the following language as a new subdivision (5) to subsection (g) and by renumbering subsequent subdivisions accordingly:

(5) The application shall contain an affidavit filed under penalties of perjury that it is complete and accurate and complies with the requirements of subsection (g)(4). The application with such affidavit shall be filed with the clerk of the general sessions court.

On motion, Amendment No. 13 was adopted.

Rep. Fraley moved adoption of Amendment No. 14 as follows:

Amendment No. 14

AMEND Senate Bill No. 510 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

4,700
34,500

nor more than:

4,750
34,730

On motion, Amendment No. 14 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 510**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	10
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 85.

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Representatives voting no were: Brooks, Buck, Cross, Davidson, Lewis, McKee, Phelan, Pinion, Windle, Winningham -- 10.

Representatives present and not voting were: Ridgeway -- 1.

A motion to reconsider was tabled.

House Bill No. 766 -- Abortion - Bans partial-birth abortions; provides same penalty as for criminal abortions which is Class C felony; provides civil remedies. Amends TCA Title 39, Chapter 15, Part 2. by *Jackson, *Godsey, *Dunn, *Sargent, *Mumpower, *Winningham, *DeBerry J, *Burchett, *Walley, *Goins, *Boyer, *Newton, *Hassell, *Westmoreland, *Gunnels, *Patton, *Ford S, *Beavers, *Bird, *Scroggs, *Hargett, *Haley, *Pleasant, *Roach, *Pinion, *Cole (Carter), *Givens, *Phelan, *Cole (Dyer), *Rinks, *Kent, *Walker, *Sharp, *Bittle, *Stulce, *Wood, *McAfee, *Maddox, *Fraley. (*SB1274 by *Jordan, *Ramsey, *Carter, *Williams, *Koella, *Atchley, *Henry, *Davis L, *Burks, *Person, *Fowler, *Haun, *Cooper, *Miller J, *Crowe, *Elsea, *Leatherwood, *Person)

Further consideration of House Bill No. 766, previously considered on May 22, 1997, and reset to today's Calendar.

On motion, House Bill No. 766 was made to conform with **Senate Bill No. 1274**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 1274 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1274 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) For purposes of this section, unless the context otherwise requires:

(1) "Partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living human fetus before killing the infant and completing the delivery. This definition does not include the dilation and evacuation procedure performed inside the womb involving dismemberment prior to removal or the suction curettage procedure.

(2) "Fetus" and "infant" are used interchangeably to refer to the biological offspring of human parents.

(b) No person shall knowingly perform a partial-birth abortion.

(c) Subsection (b) shall not apply to a partial-birth abortion that is necessary to save the life of the mother where no other medical procedure will suffice.

(d) (1) Performance of a partial-birth abortion in knowing or reckless violation of this act shall be a Class C felony.

(2) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this act for violating this act, or any provision thereof, or for conspiracy to violate this act or any provision thereof.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

Rep. Jackson moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND Senate Bill No. 1274 by deleting the directory and amendatory language of Section 1, added by Amendment No. 1, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) For purposes of this section, unless the context otherwise requires:

(1) "Partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

(2) "Vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus.

(b) No person shall knowingly perform a partial-birth abortion.

(c) Subsection (b) shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness, or injury.

(d)(1) A defendant accused of an offense under this section may seek a hearing before the state medical board which licenses the physician, on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than thirty (30) days to permit such a hearing to take place.

(e) (1) Performance of a partial-birth abortion in knowing or reckless violation of this act shall be a Class C felony.

(2) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this act for violating this act, or any provision thereof, or for conspiracy to violate this act or any provision thereof.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Walley moved the previous question, which motion prevailed.

Rep. Godsey moved that **Senate Bill No. 1274**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

***House Bill No. 116** -- Judges and Chancellors - Changes time period in which special committee appointed to hear appeal from court of the judiciary must report to speakers from ten days to ten business days. Amends TCA Title 17. by *Hargrove, *Odom. (SB440 by *Rochelle)

Rep. Hargrove moved that House Bill No. 116 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 116 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 17, Chapter 2, Part 2, is amended by deleting Sections 17-2-201, 17-2-202, 17-2-203, 17-2-204 & 17-2-205 in their entirety and substituting instead the following:

Section 17-2-201. The purpose of this act is to insure that existing judicial resources are utilized to the fullest extent and that no additional judicial resources are created until uniform caseload statistics are developed which will establish a priority for the need for additional judges.

Section 17-2-202. (a) Each state trial court judge has an affirmative duty to interchange if:

- (1) A judge has died or is unable to hold court;
- (2) Two (2) or more judges have agreed to a mutually convenient interchange;
- (3) The judge is incompetent under the provisions of §17-2-101; or
- (4) The chief justice of the supreme court has assigned by order a judge to another court pursuant to Rule 11 of the Supreme Court.

(b) A failure to comply with an interchange order of the supreme court is a judicial offense under §17-5-302(2). The chief justice shall report such failure to comply immediately to the presiding judge of the court of the judiciary. The clerk of the supreme court shall maintain such reports for public inspection.

SECTION 2. Tennessee Code Annotated, Title 17, Chapter 2, Part 2, is amended by adding the following new section:

Section _____. After September 1, 1998, no additional state trial judge positions shall be created until the Tennessee judicial council has established uniformly reported caseload statistics which may include a weighted caseload formula and which prioritizes the need for additional positions among the judicial districts. The judicial council shall certify such data to the house and senate judiciary committees.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 116**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1404 -- Sentencing - Adds, as a category of aggravating circumstances in determining punishment for persons convicted of first degree murder, cases in which the victim was particularly defenseless due to severe handicap or severe disability. Amends TCA Title 39, Chapter 13, Part 2. by *Buck, *Head, *Rhinehart, *McDaniel, *Kent, *Cole (Dyer), *Stamps, *Pleasant, *Haley, *Hargett. (*SB1304 by *Cohen)

Rep. Buck moved that House Bill No. 1404 be passed on third and final consideration.

Rep. Buck requested that Judiciary Amendment No. 1 be moved to the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1404 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-204(i), is amended by adding the following language as a new, appropriately numbered subpart:

() The victim of the murder was particularly vulnerable due to a significant handicap or significant disability, whether mental or physical, and at the time of the murder the defendant knew or reasonably should have known of such handicap or disability;

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **House Bill No. 1404**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1553 -- Criminal Procedure - Requires applicable agency to develop forms for receipts entitled "Notice of Seizure." Amends TCA Title 40, Chapter 33. by *Buck, *Buck. (*SB1717 by *McNally)

Rep. Buck moved that House Bill No. 1553 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1553 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-203, is amended by adding the following new subpart to subsection (b):

(4) If the conveyance seized is a commercial vehicle or common or contract carrier and the person in possession of the vehicle at the time of seizure does not have an ownership interest in the vehicle, the seizing officer shall, from the vehicle's manifest, bill of lading or public records of titles, registrations and other recorded documents, make reasonable efforts to determine the owner of such conveyance and notify the owner thereof of the seizure. Unless the interest of the owner of such commercial vehicle or common or contract carrier is subject to forfeiture under § 40-33-210(a)(2), such vehicle or carrier is not subject to forfeiture under the provisions of this part, the seizing officer shall not seek a forfeiture warrant and, upon the request of the owner of the vehicle or carrier, shall immediately be released by the seizing agency to such owner or transporting agent. For purposes of this subsection "commercial vehicle" includes a private passenger motor vehicle that is used for retail rental for periods of thirty-one (31) days or less.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 1553**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell,

Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1227 -- Taxes - Clarifies intent of state not to tax interstate commerce. Amends TCA Title 67. by *Kisber. (*SB649 by *McNally)

Rep. Kisber moved that House Bill No. 1227 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1227 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-4-409(b)(1), is amended by inserting the words "financing statements filed pursuant to the Uniform Commercial Code which secure an interest solely in investment property" between the words "materialmen's liens" and the words "and mortgages or deeds".

Section 2. This act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1227**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 973 -- Firefighters - Requires referendum before fire protection service may be privatized. by *West. (*SB893 by *Dixon)

Rep. West moved that House Bill No(s). 973 be reset as the last bill on the last Regular Calendar of this legislative session, which motion prevailed.

House Bill No. 1104 -- Minors, 12-18 - Changes from January 15 to January 31, reporting date on model teen learning centers. Amends TCA Titles 49, 56, 68, and 71. by *DeBerry L. (*SB1553 by *Ford J)

Rep. L. DeBerry moved that House Bill No. 1104 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1104 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. (a) There is hereby authorized and established a pilot for group therapeutic homes for at-risk children. The pilot project shall be administered by the department of children's services. The provisions of this section shall only apply in counties having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census. The pilot project shall expire on June 30, 2003.

(b) Group therapeutic homes shall include foster care and group homes which address the needs of at-risk youth, particularly the needs of mildly disturbed youth. Such homes shall employ a team support system for a continuity of care. The support team may include a psychiatrist or psychologist, a family therapist, a child care worker, and an activity specialist. The project may fund the refurbishing of existing homes.

Section 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **House Bill No. 1104**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 905 -- Sexual Offenses - Decreases from 15 to ten days time in which registrant shall respond to verification/monitoring form. Amends TCA Title 40, Chapter 39, by *Turner (Hamilton). (*SB1460 by *Fowler, *Henry)

Rep. Turner (Hamilton) moved that House Bill No. 905 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 905 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by deleting Part 1 in its entirety and by substituting instead the following:

§ 40-39-101. This chapter shall be known and may be cited as the "Sexual Offender Registration and Monitoring Act".

§ 40-39-102. As used in this chapter, unless the context otherwise requires:

(1) "Local law enforcement agency" means:

(A) Within the territory of a municipality, the municipal police force;

(B) Within the territory of a county having a metropolitan form of government, the metropolitan police force; and

(C) Within the unincorporated territory of a county, the sheriff's office;

(2) "Sexual offender" means a person who is, or has been, convicted in this state of committing a sexual offense or who is, or has been, convicted in another state or another country, or who is or has been convicted in a federal or military court, of committing an act which would have constituted a sexual offense if it had been committed in this state; provided, that:

(A) Conviction, pretrial diversion, judicial diversion, or any other alternative to incarceration occurs on or after January 1, 1995; or

(B) If conviction occurred prior to January 1, 1995, the person:

(i) Remains under or is placed on pretrial diversion, judicial diversion, probation, parole, or any other alternative to incarceration on or after January 1, 1995;

(ii) Is discharged from pretrial diversion, judicial diversion, probation, parole, or any other alternative to incarceration on or after January 1, 1995; or

(iii) Is discharged from incarceration without supervision on or after January 1, 1995;

(3) "Sexual offense" means:

(A) The commission of any act that, on or after November 1, 1989, constituted the criminal offense of:

(i) Aggravated rape, under § 39-13-502;

- (ii) Rape, under § 39-13-503;
 - (iii) Aggravated sexual battery, under § 39-13-504;
 - (iv) Sexual battery, under § 39-13-505;
 - (v) Statutory rape, under § 39-13-506;
 - (vi) Aggravated prostitution, under § 39-13-516;
 - (vii) Sexual exploitation of a minor, under § 39-17-1003;
 - (viii) Aggravated sexual exploitation of a minor, under § 39-17-1004;
 - (ix) Especially aggravated sexual exploitation of a minor, under § 39-17-1005;
 - (x) Incest, under § 39-15-302;
 - (xi) False imprisonment of a minor, under § 39-13-302, (except when committed by a parent of such minor);
 - (xii) Kidnapping of a minor, under § 39-13-303, (except when committed by a parent of such minor);
 - (xiii) Aggravated kidnapping of a minor, under § 39-13-304, (except when committed by a parent of such minor);
 - (xiv) Especially aggravated kidnapping of a minor, under § 39-13-305, (except when committed by a parent of such minor);
 - (xv) Rape of a child, under § 39-13-522;
- or
- (xvi) Attempt, under § 39-12-101, solicitation, under § 39-12-102, or conspiracy, under § 39-12-103, to commit any of the offenses enumerated within this subdivision (3)(A); or

(B) The commission of any act that, prior to November 1, 1989, constituted the criminal offense of:

- (i) Aggravated rape, under § 39-2-603 [repealed];
- (ii) Rape, under § 39-2-604 [repealed];
- (iii) Aggravated sexual battery, under § 39-2-606 [repealed];
- (iv) Sexual battery, under § 39-2-607 [repealed];
- (v) Statutory rape, under § 39-2-605 [repealed];
- (vi) Assault with intent to commit rape or attempt to commit rape or sexual battery under § 39-2-608 [repealed];
- (vii) Incest, under § 39-4-306 [repealed];
- (viii) Use of minor for obscene purposes, under § 39-6-1137 [repealed];
- (ix) Promotion of performance including sexual conduct by minor, under § 39-6-1138 [repealed];
- (x) Criminal sexual conduct in the first degree, under § 39-3703 [repealed];
- (xi) Criminal sexual conduct in the second degree, under § 39-3704 [repealed];
- (xii) Criminal sexual conduct in the third degree, under § 39-3705 [repealed];
- (xiii) Kidnapping of a minor, under § 39-2-303(repealed), (except when committed by a parent of such minor);
- (xiv) Aggravated kidnapping of a minor, under § 39-2-301 (repealed), (except when committed by a parent of such minor); or

(xv) Solicitation, under § 39-1-401 [repealed] or § 39-118(b) [repealed], attempt, under § 39-1-501 [repealed], § 39-605 [repealed], or § 39-606 [repealed], or conspiracy, under § 39-1-601 [repealed] or § 39-1104 [repealed], to commit any of the offenses enumerated within subdivision (3)(B); and

(4) "TBI" means the Tennessee bureau of investigation. § 40-39-103. Within ten (10) days following release on probation, parole, or any other alternative to incarceration; within ten (10) days following discharge from incarceration without supervision; within ten (10) days following any change of residence; and within ten (10) days after coming into a municipality or county in which the sexual offender temporarily resides or is domiciled for such length of time; each sexual offender shall complete a TBI sexual offender registration/monitoring form and shall cause such form to be delivered to TBI headquarters in Nashville. Sexual offender registration/monitoring forms shall require disclosure of the following information:

- (1) Complete name as well as any alias or aliases;
- (2) Date and place of birth;
- (3) Social security number or numbers;
- (4) State of issuance and identification number of any valid driver license or licenses;
- (5) For a sexual offender on supervised release, the name, address, and telephone number of the registrant's parole officer, probation officer, or other person responsible for the registrant's supervision;
- (6) Sexual offense or offenses of which the registrant has been convicted;
- (7) Current place and length of employment;
- (8) Current address and length of residence at such address;
- (9) Race and gender; and

(10) Such other registration and/or monitoring information, including a current photograph, as may be required by rules promulgated by the TBI in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) In accordance with the provisions of this act, the TBI may require a registrant, or the registrant's supervising authority, to submit a current photograph of the registrant.

§ 40-39-104. At least once every ninety (90) days following receipt of the initial registration/monitoring form pursuant to § 40-39-103, the TBI shall, by certified mail return receipt requested, send a nonforwardable, verification/monitoring form to the registrant's last reported address. The form shall require verification of the continued accuracy of the most recent registration/monitoring form submitted by the sexual offender. Within ten (10) days following receipt of the verification/monitoring form, the registrant shall complete the form and shall cause such form to be delivered to TBI headquarters in Nashville.

§ 40-39-105. (a) Sexual offender registration/monitoring forms and verification/monitoring forms shall be designed, printed, and distributed by and at the expense of the TBI. Sexual offender registration/monitoring forms shall be available from local law enforcement agencies; the TBI; the Tennessee department of correction; the Tennessee department of safety; and parole officers, probation officers, and other public officers and employees assigned responsibility for the supervised release of convicted felons into the community.

(b) (1) The officer or employee responsible for supervising a sexual offender who is, or has been, released on probation, parole, or any other alternative to incarceration, shall promptly:

(A) Obtain the offender's signed statement acknowledging that the named officer or employee:

(i) Has fully explained, and the offender understands, the registration and verification requirements and sanctions of this chapter; and

(ii) Has provided the offender with a blank TBI sexual offender registration/monitoring form and assisted the offender to complete the form.

(B) Obtain a current photograph of the offender.

(2) Forms for such statements of acknowledgment shall be designed, printed, and distributed by, and at the expense of, the TBI and shall require the officer or employee to report the offender's residential address. The officer or employee shall within three (3) days cause the signed and completed acknowledgment form, sexual offender registration/monitoring form and photograph of the offender to be delivered to TBI headquarters in Nashville.

(c) At least ninety (90) days prior to the release of a sexual offender from incarceration with or without supervision, the warden of the correctional facility or jail shall obtain the offender's signed statement acknowledging that the named warden or the warden's agent has fully explained, and the offender understands, the registration and verification requirements and sanctions of this chapter. If the offender is to be released without any type of supervision, the warden of the correctional facility or jail shall provide the offender with a blank TBI sexual offender registration/monitoring form and assist the offender to complete the form. The warden shall also obtain a current photograph of the offender. Forms for such statements of acknowledgment shall be designed, printed, and distributed by, and at the expense of, the TBI and shall require disclosure of the offender's anticipated residential address. The warden shall promptly cause the signed and completed acknowledgment form, the sexual offender registration/monitoring form and the photograph of the offender to be delivered to TBI headquarters in Nashville within three (3) days of the release of the offender.

(d) If the offender is placed on unsupervised probation, the court shall obtain the offender's signed statement acknowledging that the court has fully explained, and the offender understands, the registration and verification requirements and sanctions of this chapter. The court shall provide the offender with a blank TBI sexual offender registration/monitoring form and assist the offender to complete the form. The court shall also obtain a current photograph of the offender. Forms for such statements of acknowledgment shall be designed, printed and distributed by, and at the expense of, the TBI and shall require disclosure of the offender's anticipated residential address. The court shall, within three (3) days, cause the signed and completed acknowledgment form, the sexual offender registration/monitoring form and the photograph of the offender to be delivered to TBI headquarters in Nashville.

(e) Through press releases, public service announcements, or through other appropriate public information activities, the TBI shall attempt to ensure that all sexual offenders, including those who move into this state, are informed and periodically reminded of the registration and verification requirements and sanctions of this chapter.

§ 40-39-106. (a) Using information received or collected pursuant to this chapter, the TBI shall establish, maintain, and update a centralized record system of sexual offender registration and verification information. The TBI shall promptly report current sexual offender registration and verification information to:

(1) The local law enforcement agency for the offender's place of residence;

(2) The local law enforcement agency for the offender's previous place of residence if a change of residence is indicated;

(3) The local law enforcement agency for the offender's place of employment;

(4) The local law enforcement agency for the offender's previous place of employment if a change of employment is indicated;

(5) When applicable, the probation officer, parole officer, or other public officer or employee assigned responsibility for the offender's supervised release; and

(6) The identification division of the federal bureau of investigation.

(b) Whenever there is a factual basis to believe that such an offender has not complied with the provisions of this chapter, the TBI shall notify the district attorney general and the probation officer, parole officer, or other public officer or employee assigned responsibility for the sexual offender's supervised release. Notification for a particular violation shall be reported only in the two (2) quarters immediately following the violation.

(c) For all offenses committed prior to July 1, 1997, except as otherwise provided in subsections (a) and (b), information reported on sexual offender registration/monitoring forms, verification/monitoring forms, and acknowledgment forms shall be confidential; provided, that the TBI or a local law enforcement agency shall release relevant information deemed necessary to protect the public concerning a specific sexual offender who is required to register pursuant to this chapter.

(d) If the TBI or a local law enforcement agency deems it necessary to protect the public concerning a specific sexual offender who is required to register pursuant to this part, such bureau or agency may notify the public by any means including the following:

- (1) Written notice;
- (2) Electronic transmission of registration information;
- or
- (3) Providing on-line access to registration information.

(e) Notwithstanding the provisions of any law to the contrary, officers and employees of the TBI; officers and employees of local law enforcement agencies; the district attorneys general and their employees; officers and employees of the courts; probation officers; parole officers; and other public officers and employees assigned responsibility for sexual offenders' supervised release into the community; shall be immune from liability relative to their good faith actions, omissions, and conduct pursuant to this chapter.

§ 40-39-107. (a) No sooner than ten (10) years after termination of active supervision on probation, parole, or any other alternative to incarceration or no sooner than ten (10) years after discharge from incarceration without supervision, a person required to submit sexual offender/registration/monitoring forms and verification/monitoring forms may file a petition in the circuit court of the county in which the person resides for an order relieving the person of the continuing duty to submit such forms. The district attorney general of the county shall be named and shall serve as the respondent in the petition.

(b) The court shall hold a hearing on the petition. In determining whether to grant the relief requested, the court shall consider, if available:

- (1) The nature of the offense that required registration;
 - (2) The age and number of victims;
 - (3) The degree of violence involved in the offense;
 - (4) Other criminal and relevant noncriminal behavior of the petitioner both before and after the conviction that required registration;
 - (5) The period of time during which the petitioner has not reoffended; and
 - (6) Any other relevant factors.
- (c) If, and only if, the court finds that the petitioner:
- (1) Has complied with the provisions of this chapter;

(2) Is rehabilitated; and

(3) Does not pose a threat to the safety of the public, then the court shall enter an order relieving the petitioner of the continuing duty to submit registration/monitoring forms and verification/monitoring forms. Upon receiving a certified copy of such order of the court, the TBI shall expunge from the centralized record system of sexual offender registration and verification information all data pertaining to the petitioner and shall so notify the local law enforcement agency for the petitioner's place of residence and the local law enforcement agency for the petitioner's place of employment.

(d) The records of a person who successfully completes a diversion program pursuant to Tennessee Code Annotated, Sections 40-15-102 through 40-15-105, shall not be removed and destroyed from the sexual offender registry except pursuant to this section if the offense for which prosecution was suspended was a sexual offense as defined by Tennessee Code Annotated, Section 40-39-102(3).

(e) The records of a person who is dismissed from probation and whose proceedings are discharged pursuant to Tennessee Code Annotated, Section 40-35-313, shall not be expunged from the sexual offender registry except pursuant to this section if the offense for which deferral and probation was granted was a sexual offense as defined by Tennessee Code Annotated, Section 40-39-102(3).

(f) No offender may file more than one (1) petition during any five (5) year period.

§ 40-39-108. (a) Knowing falsification of a sexual offender registration/monitoring form or verification/monitoring form shall constitute a Class A misdemeanor for the first offense, punishable by confinement in the county jail for not less than one hundred eighty (180) days. A violation under this chapter is a Class E felony if the offender has a prior conviction under this chapter. Additionally, if the person is on probation, parole, or any other alternative to incarceration, then such falsification shall also constitute sufficient grounds for, and may result in, revocation of probation, parole, or other alternative to incarceration. Knowing failure to timely disclose required information or photographs or to timely deliver required registration/monitoring or verification/monitoring forms to the TBI shall be deemed to be falsification to the same extent as actually providing false information.

(b) In a prosecution for a violation of this section, in lieu of live testimony the Tennessee Bureau of Investigation records custodian may, by sworn affidavit, verify that according to such records a sexual offender is in violation of the registration or verification requirements of this chapter.

§ 40-39-109. Upon receipt of notice of the death of a registered offender, the TBI shall expunge from the centralized record system of sexual offender registration and verification information all data pertaining to the deceased offender.

SECTION 2. This act shall take effect on July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved that **House Bill No. 905**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 1854** -- Historical Sites - Transfers administration of Cordell Hull birthplace from historical commission to department of environment and conservation; provides for personnel to manage such site Amends TCA Title 4, Chapter 13, Part 6. by *Winningham. (SB1907 by *Burks, *Davis L)

On motion, House Bill No. 1854 was made to conform with **Senate Bill No. 1907**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that **Senate Bill No. 1907** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 697 -- Insurance, Health, Accident - Requires insurance contracts and MCOs that cover mastectomy surgery to include coverage for reconstruction procedures which include augmentation and reduction mammoplasty and mastopexy if patient elects reconstruction and in manner chosen by patient and physician. Amends TCA Title 56, Chapter 7, Part 25. by *Eckles, *Chumney, *Jones, S., *Brooks, *Beavers, *Hassell, *Davis R, *Cooper B, *Rinks, *Fitzhugh, *Lewis, *Towns, *Miller L, *McKee, *Hood, *Langster, *Arriola, *Brown, *Armstrong, *Pruitt, *Haley, *Davidson, *McMillan, *Windle, *Turner (Hamilton), *Rhinehart, *Head, *Ridgeway, *Kent, *Ferguson, *Dunn, *Bowers, *Sharp, *Whitson, *Godsey, *Caldwell, *Stulce, *Curtiss, *West, *Williams (Williamson), *Cross, *Bone, *Huskey, *DeBerry J, *Pleasant, *Phelan, *White, *Fowlkes, *Mumpower, *Kernell, *Cole (Dyer), *Bird, *Tindell, *Halteman Harwell, *Sargent, *Jones U (Shelby), *Pinion, *Walker, *Fraley, *Turner (Shelby), *Boner, *Winningham, *Westmoreland, *Givens, *Phillips, I, *Roach, *Cole (Carter), *Sands. (*SB237 by *Harper, *Crutchfield, *Ford J)

Rep. Eckles moved that House Bill No(s). 697 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

***House Bill No. 330** -- Sentencing - Prohibits court from ordering work release as part of sentence of defendant sentenced to local jail or workhouse unless sheriff or other administrative authority has formulated work release program; allows court to modify sentence and order work release if sheriff formulates such program subsequent to sentencing Amends TCA Title 40, Chapter 35. by *Eckles. (SB1138 by *Crowe)

Rep. Eckles moved that House Bill No. 330 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

***House Resolution No. 71** -- General Assembly, Studies - Creates special committee to study availability and pricing of day care and related topics. by *Caldwell.

Rep. Caldwell moved that House Resolution No(s). 71 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

***House Bill No. 65** -- Judgments - Reduces from eight to six months time period in which awards must be paid following submission Amends TCA Title 29. by *Odom. (SB446 by *Haynes)

Rep. Odom moved that House Bill No. 65 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 65 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 29-16-125(b)(2), is amended by deleting the language "twenty-five dollars (\$25.00)" and by substituting instead the language "one hundred dollars (\$100.00)".

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 65**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 114** -- Attorneys at Law - Increases from two to five years time period in which license to practice law may be revoked for fraud. Amends TCA Title 23. by *Odom. (SB457 by *Haynes)

Rep. Odom moved that House Bill No. 114 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 114 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 23-1-101(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) A state board of law examiners is created, to consist of nine (9) members of the state bar, three (3) from each grand division of the state bar, who shall be appointed from time to time by the supreme court, and shall hold office as members of such board at the discretion of the supreme court.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 114**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 570** -- Insurance, Health, Accident - Requires health insurance coverage of standard prostate cancer screening methods for men age 40 or older with a family history of prostate cancer, asymptomatic men age 50 or older, and African-American men age 40 and over. Amends TCA Title 56, by *Chumney, *Lewis, *Curtiss, *Ferguson, *Arriola, *Bone, *Cooper B, *Pleasant, *Haley, *Hargett. (SB996 by *Ford J)

Rep. Chumney moved that House Bill No. 570 be passed on third and final consideration.

Rep. Phelan moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 570 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following new section:

(a) Every contract which provides for hospital, surgical or medical care shall provide upon the recommendation of a physician, coverage for the early detection of prostate cancer for (1) men aged fifty (50) and over and (2) other men if a physician determines that early detection for prostate cancer is medically necessary. Nothing contained herein shall be construed as applying to medical assistance programs funded with state and federal funds, if such programs require the provision of services as medically necessary.

(b) Nothing in this section shall apply to accident only, specified disease, hospital indemnity, Medicare supplement, long term care or other limited benefit health insurance policies.

Section 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 570**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald,

McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1140 -- Custody and Support - Establishes standard for court to use in determining right of parent with custody to move to another jurisdiction Amends TCA Title 36 and Title 37. by *Patton, *Hood, *Boyer, *Bowers, *Cole (Carter), *McMillan, *Givens. (*SB1623 by *Harper, *Crowe)

Rep. Patton moved that House Bill No. 1140 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1140 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, is amended by adding the following language as a new part:

Section 36-6-401. Findings, Application, and Report.

(a) Parents have the responsibility to make decisions and perform other parental duties necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The general assembly recognizes the detrimental effect of divorce on many children and that divorce, by its nature, means that neither parent will have the same access to the child as would have been possible had they been able to maintain an intact family. The general assembly finds the need for stability and consistency in children's lives. The general assembly also has an interest in educating parents concerning the impact of divorce on children. The general assembly recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care.

The general assembly finds that mothers and fathers in families are the backbone of this state and this nation. They teach children right from wrong, respect for others, and the value of working hard to make a good life for themselves and for their future families. Most children do best when they receive the emotional and financial support of both parents. The general assembly finds that a pilot project with a different approach to dispute resolution in child custody and visitation matters would be useful.

(b) The general assembly enacts this part to serve as a pilot project in the following judicial districts:

(1) Second Judicial District consisting of Sullivan County.

(2) Sixteenth Judicial District consisting of Rutherford and Cannon counties; and

(3) Thirtieth Judicial District consisting of Shelby County;

(c) The administrative office of the courts shall collect data from each judicial district participating in the pilot project and shall supply a report with statistical data showing the effectiveness or ineffectiveness of this pilot project to the general assembly by February 1, 1999.

Section 36-6-402. Definitions.

As used in this part, unless the context requires otherwise:

(1) "Custodial Parent" means where, in order to comply with other federal and state laws, it is necessary to designate one (1) parent as the custodial parent, the primary residential parent may be deemed to be the custodial parent where agreed to by the parties or ordered by the court.

Provided, however, such designation does not affect the decision making process as delineated in the parties' parenting plan.

(2) "Parenting responsibilities" means those aspects of the parent child relationship in which the parent makes decisions and performs duties necessary for the care and growth of the child. Parenting responsibilities include:

(A) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(B) Attending to the daily needs of the child, such as feeding, clothing, physical care, and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(C) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(D) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(E) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(F) Providing for the financial support of the child.

(3) "Parenting Schedule" is the schedule of when the child is in each parent's physical care.

(4) "Permanent parenting plan" means a plan for parenting the child, including the allocation of parenting responsibilities and the establishment of schedules incident to those allocations, as well as an award of child support pursuant to title 36, chapter 5. Any final decree or decree of modification in an action for absolute divorce, divorce from bed and board, annulment, or separate maintenance shall incorporate such plan.

(5) "Primary Residential Parent" means the parent with whom the child resides more than fifty percent (50%) of the time.

(6) "Residential provisions" include the parenting schedules, time in residence at each parent's house, decision-making allocation, and parenting function allocation.

(7) "Temporary parenting plan" means a plan for parenting of the child, including the allocation of parenting responsibilities, the establishment of schedules incident to those allocations, and the establishment of temporary financial support designed to maintain the financial status quo to the extent possible, which plan is incorporated in any temporary

order of any court having jurisdiction over an action for absolute divorce, divorce from bed and board, annulment, or separate maintenance.

Section 36-6-403. Juvenile Court Jurisdiction.

Nothing in this chapter shall be construed to alter, modify or restrict the exclusive jurisdiction of the juvenile court pursuant to §37-1-103.

Section 36-6-404. Gender.

It is the legislative intent that the gender of the party seeking to be the primary residential parent shall not give rise to a presumption of parental fitness or cause a presumption in favor of or against such party.

Section 36-6-405. Parent Educational Seminar.

(a) In an action for absolute divorce, divorce from bed and board, annulment, or separate maintenance involving minor children, or in a post-judgment proceeding involving minor children, in which the allocation of parenting responsibilities or the establishment of schedules or both are in dispute, each parent shall attend a parent educational seminar concerning how to protect and enhance the child's emotional development and informing the parents regarding the legal process. The program may be divided into sessions, which in the aggregate shall not be less than four (4) hours in duration. The program shall be educational in nature and not designed for individual therapy. The minor children shall be excluded from attending these sessions. This requirement may be waived upon motion by either party and the agreement of the court upon the showing of good cause for such relief.

(b) The fees or costs of the educational sessions under this section, which shall be reasonable, shall be borne by the parties and may be assessed by the court as it deems equitable. Such fees may be waived for indigent persons.

(c) No court shall deny the granting of a divorce from the bonds of matrimony for failure of a party or both parties to attend the educational session.

Section 36-6-406. Failure to comply with decree, temporary injunction, temporary or permanent parenting plan -- Obligation to make support or maintenance payments or permit contact with children not suspended.

(a) The performance of parental responsibilities and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree, temporary injunction, restraining order, temporary parenting plan, or permanent parenting plan, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended.

(b)(1) A petition may be filed to initiate a contempt action to require a parent to comply with an order establishing the allocation of parental responsibilities, parenting schedule, or child support. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court shall hold a contempt hearing and issue such injunctive relief as is proper.

(2) If, based on all the facts and circumstances, the court finds after a hearing that the parent, in bad faith, has not complied with the provisions of a decree, temporary injunction, restraining order, temporary parenting plan, or permanent parenting plan, the court shall find the parent in contempt of court. Upon a finding of contempt, the court may order:

(A) Such relief as is fair and equitable under the circumstances, including allocating additional time with the child to the parent denied access to the child; and

(B) ordering the non-complying parent to pay to the other parent all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any other reasonable expenses the court deems appropriate.

If either parent willfully fails, in bad faith, to fulfill and abide by their residential parental responsibilities, the parent may be subject to the contempt power of the court including, but not limited to, incarceration, and payment of court costs, reasonable attorney fees, and other reasonable expenses.

(c) For purposes of subsections (a) and (b) of this section, the non-complying parent is deemed to have the present ability to comply with the parenting plan unless he or she establishes otherwise by a preponderance of the evidence. The non-complying parent shall establish that the failure to comply was not due to bad faith.

(d) Subsections (a) and (b) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court, including but not limited to, incarceration pursuant to the court's contempt powers.

(e) Upon the filing of a petition for contempt of court under subsections (a) and (b) of this section, if the court finds the complaint was brought without a reasonable basis, the court may order the moving party to pay to the nonmoving party all court costs and reasonable attorney's fees and any other expenses the court deems appropriate.

Section 36-6-407. Procedure for determining temporary parenting plan.

The allocation of parental responsibilities upon the filing of a complaint for absolute divorce, divorce from bed and board, annulment, or separate maintenance shall be determined as follows:

(1) If the parties can agree to temporary support and residential provisions, no written temporary parenting plan is required to be entered.

(2) If the parties cannot agree upon an allocation of parental responsibilities, either or both parties shall request the court to order mediation or alternative dispute resolution procedure pursuant to Supreme Court Rule 31. This motion may be contained in the complaint or in a separate motion filed by either party. The court shall immediately order the parties to participate in mediation or an alternative dispute resolution procedure to establish a temporary parenting plan unless one of the restrictions in §36-6-412(a) exists. If mediation or an alternative dispute resolution procedure is not available within twenty-four (24) hours, the court shall order an expedited hearing to establish temporary support and residential provisions. Each party shall submit a proposed temporary parenting plan and a verified statement of income as defined by title 36, chapter 5 and a verified statement that the plan is proposed in good faith and is in the best interest of the child. If only one (1) party files a proposed temporary parenting plan in compliance with this section, that party may petition the court for an order of default adopting that party's temporary parenting plan, upon a finding by the court that the plan is in the child's best interest. In determining whether the proposed temporary parenting plan serves the best interests of the child, the court may consider the allocation of residential time and support obligations contained in the child support guidelines and related provisions in title 36, chapter 5.

Section 36-6-408. Procedure for determining permanent parenting plan.

(a) The parties, by consent, may propose a permanent parenting plan for court approval:

(1) With, in the case of an action for absolute divorce, annulment, divorce from bed and board, or separate maintenance, a signed marital dissolution or separation agreement filed with the complaint, the answer, or at any time before the entry of a final decree or judgment; or

(2) With a consent order to modify a final decree or judgment regarding divorce, divorce from bed and board, or separate maintenance involving a minor child;

(b) If the parties cannot reach agreement on a permanent parenting plan, then within ninety (90) days after the commencement of the action, the parties shall submit a scheduling order to the court including a referral to mediation or alternative dispute resolution or a request for a waiver of alternative dispute resolution, for just cause. The scheduling order shall include a mediation procedure or alternative dispute resolution procedure. The mediation process or alternative dispute resolution process referred to in this part shall be in accordance with Tennessee Supreme Court Rule 31. For the purposes of this part, such process may include:

(1) Mediation, the neutral party to be chosen by the parties or the court;

(2) Arbitration, the neutral party to be chosen by the parties or the court; or

(3) A mandatory settlement conference presided over by the court or a special master. Each neutral party, the court, or the special master shall apply or, in the case of mediation, assist the parties to uphold as a standard for making decisions in mediation, the criteria in §§36-6-411 and 36-6-412.

Nothing in this part shall be construed to prevent a party from having his or her attorney present at a mediation or other dispute resolution procedure.

(4) The Rules of Evidence do not apply in any mediation or alternative dispute resolution process; the neutral party may rely upon evidence submitted that reasonably prudent persons would rely upon in the conduct of their affairs.

(c) If the parties have not reached agreement on a permanent parenting plan, each party shall file and serve a proposed permanent parenting plan on or before forty-five (45) days before the date set for trial, even though the parties may continue to mediate or negotiate. Failure to comply may result in the court's adoption of the filed plan if the court finds such plan to be in the best interest of the child. In determining whether the proposed permanent parenting plan is in the best interests of the child, the court may consider the allocation of

residential time and support obligations contained in the child support guidelines and related provisions contained in title 36, chapter 5. Each parent submitting a proposed permanent parenting plan shall attach a verified statement of income pursuant to the child support guidelines and related provisions contained in title 36, chapter 5 and a verified statement that the plan is proposed in good faith and is in the best interest of the child.

Section 36-6-409. Modifying Permanent Parenting Plans.

- (a) In a proceeding for a modification of a permanent parenting plan, or a previous final decree or judgment where no parenting plan in compliance with this part exists, a proposed parenting plan shall be filed and served with the petition for modification and with the response to the petition for modification. Such plan is not required if the modification pertains only to child support. The obligor parent's proposed parenting plan shall be accompanied by a verified statement of that party's income pursuant to the child support guidelines and related provisions contained in title 36, chapter 5. The process established by §36-6-408(b) shall be used to establish an amended permanent parenting plan or final decree or judgment.
- (b) Child support cases brought by the department of human services or its contractors pursuant to Title IV-D shall be bifurcated from the remaining parental responsibilities issues. In the thirtieth judicial district, child support issues heard by the divorce referees shall be bifurcated from the remaining parental responsibilities issues.

Section 36-6-410. Permanent parenting plan.

- (a) The objectives of the permanent parenting plan are to:
- (1) Provide for the child's physical care;
 - (2) Maintain the child's emotional stability;
 - (3) Encourage and protect the child's intellectual and moral development;
 - (4) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for further modifications to the permanent parenting plan;
 - (5) Establish the authority and responsibilities of each parent with respect to the child, consistent with the criteria in §§36-6-411 and 36-6-412;

(6) Minimize the child's exposure to harmful parental conflict;

(7) Encourage the parents, where appropriate under §§36-6-411 and 36-6-412, to meet their responsibilities to their minor child through agreements in the permanent parenting plan, rather than by relying on judicial intervention;

(8) Provide for the child's financial security pursuant to the child support guidelines and in excess of such guidelines as the parties may agree; and

(9) Otherwise protect the best interests of the child consistent with §36-6-401.

(b)(1) The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, parenting schedules, child support obligations, and residential provisions for the child.

(A) The obligor shall report annually to the obligee, and the department of human services or its contractor in Title IV-D cases, his or her income as defined by the child support guidelines and related provisions contained in title 36, chapter 5. The parenting plan shall include the annual date for reporting such income, and the court shall provide a form for filing the report of income.

(B) The plan shall include a process for resolving disputes, before court action, unless precluded or limited by §§36-6-411 or 36-6-412. Dispute resolution processes may include, but need not be limited to, mediation or arbitration, the neutral to be chosen by consent of the parties, or a Rule 31 neutral party to be appointed by the court; or a settlement conference to be conducted by the court or a special master. State agency cases are excluded from the requirement of dispute resolution as to the child support issues involved.

(2) In the dispute resolution process:

(A) Preference shall be given to carrying out the parenting plan;

(B) The parents shall use the designated process to resolve disputes relating to the implementation of the plan;

(C) A written record shall be prepared of any agreement reached in mediation, arbitration, or settlement conference and shall be provided to each party to be drafted into a consent order of modification;

(D) If the court finds that a parent willfully failed to appear at a scheduled dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;

(E) The provisions of this subsection shall be set forth in the decree; and

(F) Nothing in this part shall preclude court action, if required to protect the welfare of the child or a party.

(3)(A) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, extracurricular activities, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in §§36-6-411 and 36-6-412. Regardless of the allocation of decision making in the parenting plan, the parties may agree that either parent may make emergency decisions affecting the health or safety of the child.

(B) Each parent may make the day-to-day decisions regarding the care of the child while the child is residing with that parent.

(C) When mutual decision-making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the appropriate dispute resolution process, subject to the exception set forth in subdivision (b)(2)(F) of this section.

(4) The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in §§36-6-411 and 36-6-412.

(5) If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or child support order may result in a finding of contempt, under §36-6-406 or other applicable provision of law.

(6) Except when the court finds it not to be in the best interests of the affected child, each parenting plan shall grant to each parent the following rights during periods when the child is not in that parent's care:

(A) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;

(B) The right to send mail to the child which the other parent shall not open or censor;

(C) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;

(D) The right to receive directly from the child's school upon written request which includes a current mailing address and upon payment of reasonable costs of duplication, copies of the child's report card, attendance records, names of teachers, class schedules, standardized test scores and any other records customarily made available to parents;

(E) The right to receive copies of the child's medical records directly from the child's doctor or other health care provider upon written request which contains a current mailing address and upon payment of reasonable costs of duplication;

(F) The right to be free of unwarranted derogatory remarks made about him or her or his or her family by the other parent to or in the presence of the child.

(G) Any of the foregoing rights may be denied in whole or in part to one or both parents by the court upon a showing that such denial is in the best interests of the child.

(7) Any judge having jurisdiction over the parenting plan of such a child may upon a showing of good cause deny any information concerning the residence of the child to the noncustodial or nonresident parent.

(8) No school official shall recognize a change in the parenting plan of a child at such official's school or day care unless:

(A) The person seeking the change of the parenting plan presents the school official with a certified copy of a valid court order from a Tennessee court changing the parenting plan; and

(B) The person seeking the change of the parenting plan gives the school official reasonable advance notice of such person's intent to take possession of such child at such official's school or day care center.

(9) The permanent parenting plan shall set forth the provisions of subdivisions (b)(3), (4), and (6) of this section.

Section 36-6-411. Criteria for establishing the permanent parenting plan.

(a) The court shall not order a dispute resolution process, except court action, if the court:

(1) Finds that any limiting factor under §36-6-412 applies;

(2) Finds that either parent is unable to afford the cost of the proposed dispute resolution process, unless such cost is waived or subsidized by the state; or

(3) Preempts such process upon motion of either party for just cause.

(b) If an order of protection issued in or recognized by this state is in effect or if there is an allegation of domestic or family violence and an order of protection issued in or recognized by this state is not in effect, the court may order mediation or refer either party to mediation only if:

(1) Mediation is agreed to by the victim of the alleged domestic or family violence;

(2) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(3) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate. The other party may also have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate.

(c) If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(1) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(2) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(3) The financial circumstances of the parties to pay for alternative dispute resolution processes where court sanctioned alternative dispute resolution programs are unavailable.

(d)(1) The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in §36-6-411, if it finds that:

(A) The agreement is consistent with any limitations on a parent's decision-making authority mandated by §36-6-412;

(B) The agreement is knowing and voluntary; and

(C) The agreement is in the best interest of the child and is agreed to by the guardian ad litem, if one has been appointed by the court.

(2) The court may consider a parent's refusal, without just cause, to attend a court ordered parental educational seminar in making an award of sole decision making authority to the other parent. The court shall order sole decision making to one parent when it finds that:

(A) A limitation on the other parent's decision making authority is mandated by §36-6-412;

(B) Both parents are opposed to mutual decision-making; or

(C) One (1) parent is opposed to mutual decision-making, and such opposition is reasonable in light of the parties' inability to satisfy the criteria for mutual decision-making authority.

(3) Except as provided in Subdivisions (d)(1) and (2), the court shall consider the following criteria in allocating decision making authority:

(A) The existence of a limitation under §36-6-412;

(B) The history of participation of each parent in decision-making in each of the following areas: physical care, emotional stability, intellectual and moral development, health, education, extracurricular activities, and religion; and whether each parent attended a court ordered parent education seminar;

(C) Whether the parents have demonstrated the ability and desire to cooperate with one another in decision-making regarding the child in each of the following areas: physical care, emotional stability, intellectual and moral development, health, education, extracurricular activities, and religion; and

(D) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(e)(1) The court shall make residential provisions for each child, consistent with the child's developmental level and the family's social and economic circumstances, which encourage each parent to maintain a loving, stable, and nurturing relationship with the child.

The child's residential schedule shall be consistent with §36-6-411. If the limitations of §36-6-412 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(A) The parent's ability to instruct, inspire, and encourage the child to prepare for a life of service, and to compete successfully in the society which the child faces as an adult;

(B) The relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting responsibilities relating to the daily needs of the child;

(C) Each parent's past and potential for future performance of parenting responsibilities, including the willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent, consistent with the best interests of the child;

(D) Willful refusal to attend a court-ordered parent education seminar may be considered by the court as evidence of that parent's lack of good faith in these proceedings;

(E) The disposition of each parent to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent has been the primary caregiver;

(F) The love, affection, and emotional ties existing between each parent and the child;

(G) The emotional needs and developmental level of the child;

(H) The character and physical and emotional fitness of each parent as it relates to his or her ability to parent or the welfare of the child;

(I) The child's interaction and interrelationships with siblings and with significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(J) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

(K) Evidence of physical or emotional abuse to the child, to the other parent or to any other person; and

(L) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child;

(M) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preference of older children should normally be given greater weight than those of younger children; and

(N) Each parent's employment schedule, and the court may make accommodations consistent with those schedules;

(2) The court may order that a child alternate his or her residence between the households of the parents for substantially equal intervals of time only if the court finds the following:

(A) No limitation exists under §36-6-412; and

(B) The parties have agreed to such provisions, and the agreement was knowingly and voluntarily entered into; and

(C) The provisions are in the best interests of the child.

Section 36-6-412. Restrictions in temporary or permanent parenting plans.

(a) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct:

(1) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting responsibilities;

(2) Physical, sexual, or a pattern of emotional abuse of a child or of another person living with that child; or

(3) A history of acts of abuse as defined in §36-3-601(1) or a single incident of assault or sexual assault which causes serious bodily injury or the fear of such injury.

(b)(1) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct:

(A) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting responsibilities;

(B) Physical, sexual, or a pattern of emotional abuse of a child or of another person living with that child; or

(C) A history of acts of abuse as defined in §36-3-601(1) or a single incident of assault or sexual assault which causes serious bodily harm or the fear of such harm. This subsection (b) shall not apply when subdivision (b)(3) applies.

(2) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct:

(A) Physical, sexual or a pattern of emotional abuse of a child or of another person living with that child; or

(B) A history of acts of abuse as defined in §36-3-601(1) or a single incident of assault or sexual assault which causes serious bodily injury or the fear of such injury. This subsection (b) shall not apply when subdivision (b)(3) applies.

(3) If a parent has been convicted as an adult of a sexual offense under §39-15-302, title 39, chapter 17, part 10, or §§39-13-501--511, or has been found to be a sexual offender under title 39, chapter 13, part 7, the court shall restrain the parent from contact with a child that would otherwise be allowed under this part. If a parent resides with an adult who has been convicted, or with a juvenile who has been adjudicated guilty of a sexual offense under §39-15-302, title 39, chapter 17, part 10, or §§39-13-501--511, or who has been found to be a sexual offender under title 39, chapter 13, part 7, the court shall restrain that parent from contact with the child unless the contact occurs outside the adult or juvenile's presence and sufficient provisions are established to protect the child.

(c) A parent's involvement or conduct may have an adverse effect on the child's best interest, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (1) A parent's neglect or substantial nonperformance of parenting responsibilities;
 - (2) An emotional or physical impairment which interferes with the parent's performance of parenting responsibilities as defined in §36-6-402;
 - (3) An impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting responsibilities;
 - (4) The absence or substantial impairment of emotional ties between the parent and the child;
 - (5) The abusive use of conflict by the parent which creates the danger of damage to the child's psychological development;
 - (6) A parent has withheld from the other parent access to the child for a protracted period without good cause;
 - (7) A parent's criminal convictions as they relate to his or her ability to parent or to the welfare of the child; or
 - (8) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.
- (d) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

Section 36-6-413. Designation of custody for the purpose of other state and federal statutes.

Solely for the purpose of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. Provided, however, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside a majority of the time shall be deemed to be the custodian for the purposes of such federal and state statutes.

Section 36-6-414. Funding for mediation program.

(a) The costs of the mediation required by this part shall be assessed as a part of the costs of the action.

(b)(1) For an indigent person, the cost of the mediation shall be based on a sliding scale based on a person's ability to pay.

(2) In addition to the privilege tax on marriage licenses under §§67-4-505 and 67-4-111, the county clerk of each county designated as a part of the pilot project shall collect and forward to the county trustee a tax of ten dollars (\$10) for each marriage license issued to cover the cost of the mediation required under this part.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it, and shall apply to each action or petition for modification filed on or after such date.

Rep. Turner (Hamilton) moved to amend with Children and Family Affairs Committee Amendment No. 1 to 1 as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1140 by adding in the amendatory language of Section 36-6-401(b) of Amendment 1, as amended, in words "or individual circuit court" after the language "judicial districts"

AND FURTHER AMEND by adding the following new subdivision to the amendatory language of Section 36-6-401(b) of Amendment Number 1, as amended, and by redesignating the subsequent subdivisions accordingly:

() Second Circuit Court of the Twentieth Judicial District in Davidson County.

Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Maddox moved to amend as follows:

Amendment No. 2 to Amendment No. 1

AMEND House Bill No. 1140 in Section 1 in Section 36-6-402 of the amendatory language by deleting the language "and" at the end of item 2(E), by deleting the punctuation "." at the end of item 2(F), and by adding the following language at the end of item 2(F):

; and

(G) Supervising the child to encourage and protect emotional, intellectual, moral, and spiritual development.

Rep. Patton requested that House Bill No. 1140 be moved down 2 places on the Calendar.

***House Bill No. 191** -- Sunset Laws - Terminates Tennessee commodity producers board; transfers functions to commissioner of agriculture. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 32. by *Kernell, *Garrett, *Brooks. (SB94 by *Springer)

On motion, House Bill No.191 was made to conform with **Senate Bill No. 94**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 94 be passed on third and final consideration.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 94** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce,

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Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 192** -- Administrative Procedure - Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1997. by *Kernell, *Garrett, *Brooks. (SB96 by *Springer)

Rep. Kernell moved that House Bill No(s). 192 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

House Bill No. 1140 -- Custody and Support - Establishes standard for court to use in determining right of parent with custody to move to another jurisdiction Amends TCA Title 36 and Title 37. by *Patton, *Hood, *Boyer, *Bowers, *Cole (Carter), *McMillan, *Givens. (*SB1623 by *Harper, *Crowe)

Further consideration of House Bill No. 1140, previously considered on today's Calendar.

Rep. Patton moved that House Bill No. 1140, as amended, be passed on third and final consideration.

Rep. Maddox moved that Amendment No. 2 to Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1140 by deleting subsection (b) of Section 36-6-411 of Amendment Number 1, as amended, and by substituting instead the following:

(b) If an order of protection issued in or recognized by this state is in effect or if there is a court finding of domestic abuse or criminal conviction involving domestic abuse within the marriage which is the subject of the proceeding for divorce or separate support and maintenance, the court may order mediation or refer the parties to mediation only if:

(1) Mediation is agreed to by the victim of the alleged domestic or family violence;

(2) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(3) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate. The other party may also have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate.

On motion, Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1140 by deleting Section 36-6-401(b)(3) of Amendment Number 1, as amended, and by substituting instead the following:

(3) Division III of the Circuit Court for the Thirtieth Judicial District, Shelby County, at Memphis.

On motion, Amendment No. 3 was adopted.

Rep. Patton moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1140 by adding the following as a new subdivision(b)(3) to Section 36-6-414 of Amendment Number 1, as amended:

(b)(3) The provisions of subdivision (b)(2) of this section shall apply not to counties with a metropolitan form of government and a population greater than five hundred thousand (500,000).

On motion, Amendment No. 4 was adopted.

Rep. Patton moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Dunn moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 1140 by adding the following new subdivision to the amendatory language of Section 36-6-401(b) of Amendment Number 1, as amended, and by redesignating the subsequent subdivisions accordingly:

() Fourth Division of the Circuit Court of the Sixth Judicial District in Knox County.

On motion, Amendment No. 6 was adopted.

Rep. Turner (Hamilton) moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 1140 by adding the following new subdivision to be appropriately designated to the amendatory language of Section 36-6-401(b) of Amendment Number 1, as amended:

() The circuit courts of Hamilton County;

AND FURTHER AMEND by the following language to subdivision (2) of Section 36-6-407 of Amendment 1, as amended, between the fourth and fifth sentences;

One (1) mediator shall serve the four (4) circuit courts of Hamilton County.

On motion, Amendment No. 7 was adopted.

Rep. Maddox moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND House Bill No. 1140 as amended in Section 1 in Section 36-6-402 of the amendatory language by deleting the language "and" at the end of item 2(E), by deleting the punctuation "." at the end of item 2(F), and by adding the following language at the end of item 2(F):

; and

(G) Supervising the child to encourage and protect emotional, intellectual, moral, and spiritual development.

On motion, Amendment No. 8 was adopted.

Rep. Patton moved that **House Bill No. 1140**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee,

McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 533** -- Police - Requires part-time and auxiliary police officers to complete ten hours of training before performing any police-related work other than office-related work. Amends TCA Title 38, Chapter 8, Part 1. by *Kent. (SB858 by *Haun)

Rep. Kent moved that House Bill No. 533 be passed on third and final consideration.

Rep. Kent requested that Amendment No. 1 be moved to the heel of the Amendments.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 533 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 38-8-111, is amended by deleting the first sentence of subdivision (f)(1) and by substituting instead the following:

All sheriffs shall complete in-service training as set forth in this subsection and shall receive cash salary supplement as provided by the commission for police officers.

Section 2. Tennessee Code Annotated, Section 38-1-111, is further amended by deleting subsection (f)(2) in its entirety and by substituting instead the following:

(f)(2) Sheriffs successfully completing such training shall receive cash salary supplements in the same manner and under the same conditions as set forth in this part for police officers, except that the commission shall make the funds for salary supplements available to the appropriate counties for payment to sheriffs.

Section 3. Tennessee Code Annotated, Section 38-8-111, is further amended by deleting subsections (f)(3) and (f)(4) in their entirety and by substituting instead the following:

(f)(3) The commission shall issue to any sheriff successfully completing recruit training, or possessing its equivalency, a sheriff's certificate of compliance in the manner in which it issues police officers' certificates of compliance. A sheriff already holding any certificate of compliance from the commission may request the commission to recognize such sheriff's certification. A sheriff receiving a certificate of compliance has a continuing duty to meet all requirements as set forth in this section and Tennessee Code Annotated, Section 8-8-102. In the event a person holding a police officer's certificate of compliance assumes the office of sheriff, the commission shall substitute for the police officer certificate a sheriff's certificate of compliance.

Section 4. This act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Kent moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Kent moved that **House Bill No. 533**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 586** -- Education, Higher - Requires Tennessee Student Assistance Corporation to report noncompliance with student loan programs by institution to THEC. Amends TCA Title 49. by *Cooper B, *Brooks, *Jones U (Shelby). (SB981 by *Ford J)

On motion, House Bill No. 586 was made to conform with **Senate Bill No. 981**; the Senate Bill was substituted for the House Bill.

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Rep. Cooper moved that Senate Bill No. 981 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved the previous question, which motion prevailed.

Rep. Cooper moved that **Senate Bill No. 981** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Dunn -- 1.

Representatives present and not voting were: Eckles -- 1.

A motion to reconsider was tabled.

House Bill No. 1501 -- Boats, Boating - Enacts "Comprehensive Boating Safety Act of 1997." Amends TCA Title 69, Chapter 10. by *Rinks, *Bittle, *McDaniel. (*SB1009 by *Gilbert, *Atchley)

Rep. Bittle moved that House Bill No(s). 1501 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

House Bill No. 1394 -- State Employees - Enacts "State Employees Inclement Weather Leave Act." Amends TCA Title 8, Chapter 50. by *Tindell, *Armstrong, *Ritchie, *Burchett, *Boyer, *Bittle, *Dunn. (*SB1014 by *Gilbert)

On motion, House Bill No. 1394 was made to conform with **Senate Bill No. 1014**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 1014 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1014 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. The department of personnel is hereby directed to study the issue of inclement weather policy for employees of the executive branch of state government.

SECTION 2. As a part of this study, the department shall survey surrounding states, the federal government, local governments, and other state entities concerning current practices on this issue. The department also shall utilize the resources of the council of state governments and other governmental support entities as may be necessary and appropriate.

SECTION 3. The department shall solicit and provide opportunities for interested parties and/or organizations, including the Tennessee state employees association, to submit comments, suggestions, and information relating to this issue.

SECTION 4. On or before January 1, 1998, the department shall report its findings and recommendations concerning this issue to the state and local government committees of the senate and the house of representatives.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Tindell moved that **Senate Bill No. 1014**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1395 -- Pensions and Retirement Benefits - Provides for funding of pension benefits for past service of employees of defunct local governments through bonds issued for public works projects under Local Government Public Obligations Act of 1986. Amends TCA Title 9, Chapter 21, Part 1. by *Tindell, *Armstrong, *Ritchie, *Burchett, *Dunn, *Boyer, *Bittle. (*SB627 by *Gilbert, *Atchley, *McNally)

On motion, House Bill No. 1395 was made to conform with **Senate Bill No. 627**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 627 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Tindell moved that **Senate Bill No. 627** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1878 -- Criminal Offenses - Creates Class A misdemeanor offense for employee to falsify or attempt to falsify drug test; creates Class E felony offense for person employed by covered employer or drug testing lab to falsify or attempt to falsify drug test; subjects company to fine. Amends TCA Title 50, Chapter 9, Part 1. by *Bird. (*SB1874 by *Miller J)

Rep. Bird moved that House Bill No. 1878 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1662 -- Bail, Bail Bonds - Gives general sessions court, in addition to circuit, criminal and supreme court, authority to hear and grant petitions for relief filed by person against whom recognizance has been forfeited. Amends TCA Title 40, Chapter 11, Part 2. by *Bird, *Westmoreland. (*SB14 by *Crutchfield)

On motion, House Bill No. 1662 was made to conform with **Senate Bill No. 14**; the Senate Bill was substituted for the House Bill.

Rep. Bird moved that **Senate Bill No. 14** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windie, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Joint Resolution No. 29** -- Memorials, Government Officials - Urges University of Tennessee to study feasibility of developing and implementing external degree program to afford non-traditional students equal access to college education. by *Dunn.

Rep. Dunn moved adoption of House Joint Resolution No. 29.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 29 by deleting the entire resolution as printed and substituting instead the following:

A RESOLUTION relative to the implementation of an alternative degree program within The University of Tennessee system.

WHEREAS, the General Assembly hereby finds, determines, and declares that every citizen of the State of Tennessee should have access to a post-secondary education; and

WHEREAS, permanent disability may prevent potential students from enrolling in and pursuing traditional undergraduate residential programs; and

WHEREAS, the General Assembly recommends that The University of Tennessee research, develop and establish an alternative approach to the traditional undergraduate educational experience; and

WHEREAS, such alternative educational experience should be developed and implemented as an alternative degree program; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That The University of Tennessee is hereby urged and encouraged to study the feasibility of developing and implementing flexible academic policies so that permanently disabled home-bound students may be afforded access to a college education.

BE IT FURTHER RESOLVED, That this General Assembly hereby recommends that the following minimum requirements be considered in the feasibility study of the alternative degree program.

(a) For admission to the program, an applicant should meet the following minimum requirements:

- (1) be a resident of Tennessee;
- (2) be twenty-one (21) years of age or older;
- (3) have a high school diploma or a GED score of not less than forty-five (45);
- (4) have competence in writing, the ability to read discerningly, and the ability to assume the primary responsibility for learning;

(5) have educational goals attainable through the program; and

(6) provide official proof of disability rendering on-campus attendance impossible.

(b) The program should allow credit to be earned towards a bachelor's degree by a variety of methods, including:

(1) distance learning (television/videotape, internet, etc)

(2) out-of-class learning contracts/independent study;

(3) correspondence courses (University of Tennessee and other regionally accredited universities);

(4) prior learning;

(5) proficiency examinations.

(c) Academic planning may be conducted by telephone or written correspondence.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be transmitted to the President of The University of Tennessee System.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. U. Jones moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Joint Resolution No. 29 by deleting the period at the end of the caption and adding the following language:

and studying the funding for the Ag Extension program.

AND FURTHER AMEND by adding the following new sentence at the end of the first resolving clause:

The University of Tennessee is further urged and encouraged to study the feasibility of equalizing the funding between Tennessee State University and University of Tennessee and/or increasing the funding for the Ag Extension program.

On motion, Amendment No. 3 was adopted.

Rep. Dunn moved adoption of **House Joint Resolution No. 29**, as amended, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1536 -- Local Education Agency - Permits local, county or municipal school district existing on January 1, 1994, to become special school district by 2/3 school board vote and appropriate private act; authorizes county, municipal or special school district existing on January 1, 1994, to merge into single special school district. Amends TCA Section 49-2-501. by *Newton, *Phelan. (*SB921 by *Miller J, *Leatherwood)

On motion, House Bill No. 1536 was made to conform with **Senate Bill No. 921**; the Senate Bill was substituted for the House Bill.

Rep. Newton moved that Senate Bill No. 921 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Newton moved that **Senate Bill No. 921** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones

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U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Joint Resolution No. 48** -- General Assembly, Studies - Continues special joint committee created by HJR 503 of 99th General Assembly to study retention, disposition and storage of court records until April 15, 1997. by *Hargrove.

Rep. Hargrove moved adoption of House Joint Resolution No. 48.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. L. DeBerry moved adoption of Study Resolution Sub-Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 48 by deleting the five (5) resolving clauses of the introduced resolution in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the special joint committee created by House Joint Resolution No. 503 of the Ninety-Ninth General Assembly to study the retention, disposition and storage of court records is hereby continued as a legislative committee until January 15, 1998.

BE IT FURTHER RESOLVED, That the special joint committee shall be composed of the three members of the House of Representatives and the three (3) members of the Senate who were appointed in accordance with House Joint Resolution No. 503 of the 99th General Assembly; provided, however, such legislative members shall be duly elected members of the General Assembly in order to retain their membership on the committee. Vacancies shall be filled by the Speaker of the House of Representatives or the Speaker of the Senate, as appropriate.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the ranking officer who is a duly elected member of the General Assembly, and at its first meeting shall elect a chair, vice-chair and such other officers as the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee shall report its findings and recommendations, including any proposed legislation, to the One-Hundredth General Assembly no later than January 15, 1998, at which time the committee shall cease to exist.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved adoption of **House Joint Resolution No. 48**, as amended, which motion prevailed.

***House Joint Resolution No. 52** -- General Assembly, Studies - Continues special joint committee to study extension of emergency telephone service charge to cellular and other wireless telecommunications service and other issues relative to cellular telephones for one year. by *Hargrove.

Rep. Hargrove moved adoption of House Joint Resolution No. 52.

Rep. L. DeBerry moved adoption of Study Resolution Sub-Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 52 by deleting the four (4) resolving clauses of the introduced resolution in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the special joint committee created by Senate Joint Resolutions Nos. 447 and 462 of the Ninety-Ninth General Assembly to study the extension of the emergency telephone service charge (9-1-1) to all telephone service users, including wireless technologies, and to study other issues relative to cellular telephones in Tennessee is hereby continued as a legislative committee.

BE IT FURTHER RESOLVED, That the special joint committee shall be composed of the three (3) members of the House of Representatives and the three (3) members of the Senate who were appointed in accordance with Senate Joint Resolutions Nos. 447 and 462 of the Ninety-Ninth General Assembly; provided, however, that such legislative members shall be duly elected members of the General Assembly in order to retain their membership on such committee. Vacancies on the committee shall be filled by the Speaker of the House of Representatives or the Speaker of the Senate, as appropriate.

BE IT FURTHER RESOLVED, That all appropriate state agencies, including the Office of the Comptroller of the Treasury and the Tennessee Regulatory Authority, shall provide staff assistance to the special joint committee.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its recommendations, including any proposed legislation, to the One-Hundredth General Assembly no later than January 15, 1998, at which time the committee shall cease to exist.

Rep. Hargrove moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Joint Resolution No. 52 by deleting the second resolving clause and substituting instead the following:

BE IT FURTHER RESOLVED, That the special joint committee shall be composed of one (1) representative of the Tennessee Regulatory Authority to be appointed by the directors of the authority and the three (3) members of the House of Representatives and the three (3) members of the Senate who were appointed in accordance with Senate Joint Resolutions Nos. 447 and 462 of the Ninety-Ninth General Assembly; provided, however, such legislative members shall be duly elected members of the General Assembly in order to retain their membership on such committee. Vacancies on the committee shall be filled by the Speaker of the House of Representatives or the Speaker of the Senate, as appropriate.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Hargrove moved adoption of **House Joint Resolution No. 52**, as amended, which motion prevailed.

***House Joint Resolution No. 194** -- General Assembly, Studies - Creates special joint committee to study highway-railroad crossings and related issues. by *Caldwell.

Rep. Caldwell moved adoption of House Joint Resolution No. 194.

Rep. L. DeBerry moved adoption of Study Resolution Sub-Committee Amendment No. 1 as House Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 194 by deleting the caption of the introduced resolution and by substituting instead the following:

A RESOLUTION to direct the Department of Transportation to study highway-railroad crossings and related issues.

AND FURTHER AMEND by deleting the preamble clause immediately preceding the first resolving clause and by substituting instead the following:

WHEREAS, the many public safety, economic growth and other issues related to highway-railroad crossings directly affects the welfare and quality of life for many Tennesseans, and these important and timely issues should be carefully and exhaustively studied by the Department of Transportation; now, therefore,

AND FURTHER AMEND by deleting the resolving clauses of the introduced resolution in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Department of Transportation is hereby directed to study the safety of existing highway-railroad crossings, the closing of redundant highway-railroad crossings, the need for new crossings, the statutory authority of state government to resolve these issues, and all other public safety and economic growth issues relevant to highway-railroad crossings.

BE IT FURTHER RESOLVED, That in conducting this study, the Department of Transportation shall consult with the following interested parties, as appropriate:

City and county agencies responsible for streets and highways;
Representatives of the railroad industry, including shortline railroads;
State agencies, including the Department of Safety and the Department of Economic and Community Development;
Appropriate federal agencies, including the Federal Railroad Administration, the Federal Highway Administration, and the National Transportation Safety Board; Tennessee Operation Lifesaver; and
Representatives of other states with experiences that might be useful to Tennessee.

BE IT FURTHER RESOLVED, That the Department of Transportation's study shall include, but shall not be limited to, the question of whether or not state government should have authority over the closing of existing highway-railroad crossings and/or the creation of new crossings.

BE IT FURTHER RESOLVED, That the Department of Transportation shall timely report its findings and recommendations relative to such study, including any proposed legislation, to the One-Hundredth General Assembly no later than January 15, 1998.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Commissioner of Transportation.

On motion, Amendment No. 1 was adopted.

Rep. Caldwell moved adoption of **House Joint Resolution No. 194**, as amended, which motion prevailed.

***House Joint Resolution No. 196** -- General Assembly, Studies - Creates special joint committee to study need for additional interstate rest stop parking spaces for certain commercial motor vehicles. by *Fowlkes, *White.

Rep. Fowlkes moved that House Joint Resolution(s) No(s). 196 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

House Bill No. 1786 -- Health - Enacts "Health Care Consumer Right-to-Know Act of 1997." by *Jones, S.. (*SB710 by *Dixon)

Rep. S. Jones moved that House Bill No. 1786 be passed on third and final consideration.

Rep. S. Jones moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1786 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Health care is a valuable commodity. The state of Tennessee deems it important that Tennesseans be able to select their physicians and make an informed decision when choosing a physician. Due to current trends in health care, patients have a close relationship with their primary care physician and must depend on him or her for most of their health care needs. Health care consumers need to know as much as possible about a physician before committing their health care to him or her. Because of the foregoing reasons and because of the increasing concerns over the quality of health care, the General Assembly finds that a system should be established to provide public access to information about the licensed physicians in this state. Therefore, there is hereby created a special joint committee to study proposed legislation and other issues relative to enabling health care consumers in the state of Tennessee to access information regarding health care professionals.

SECTION 2. The special joint committee shall be composed of four (4) members of the Senate and four (4) members of the House of Representatives, to be appointed by the respective speakers, two (2) physician representatives to be nominated by the Tennessee Medical Association, one (1) consumer representative to be nominated by the Tennessee Health Care Campaign, and one (1) consumer representative to be nominated by Citizen Action.

SECTION 3. (a) At the request of the chair, all appropriate agencies of state government shall provide staff assistance to the special joint committee.

(b) The committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect from its membership any officers the committee deems necessary.

(c) The special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports to the 1998 session of the One-Hundredth General Assembly no later than January 15, 1998, at which time the committee shall cease to exist.

(d) The committee shall investigate the most efficient and cost-effective methods by which any such program could be implemented, with special emphasis placed on recommending a source of funding for the proposed program.

(e) The committee in its deliberations shall concentrate on devising methods for, and making recommendations on:

(1) Disseminating information to consumers;

(2) Ensuring that errors are not present in health care professional records, and that those involved have a meaningful opportunity to examine and correct such records before they are released to consumers;

(3) What appropriate information is best provided to the consumer, and the format in which that information will be presented;

(4) The appropriate agency, or agencies, responsible for overseeing such a program;

(5) The desirability and feasibility of similar consumer programs in other professional fields, and,

(6) Specific penalty provisions to be enforced by the appropriate professional licensing board.

(f) In order to avoid any obstacles or unforeseen complications in the development and implementation of this consumer service, the committee should closely study any similar types of programs operating throughout the country.

(g) The committee shall research other entities that may currently be collecting such data, and report on the prospects of contracting with such entities for the creation and provision of such a consumer information program.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. L. DeBerry moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1786 as amended, in Section 2 by deleting the language "speakers, two (2) physician representatives to be nominated by the Tennessee Medical Association, one (1) consumer representative to be nominated by the Tennessee Health Care Campaign, and one (1) consumer representative to be nominated by Citizen Action." and by substituting instead the language "speakers."

On motion, Amendment No. 3 was adopted.

Rep. S. Jones moved that **House Bill No. 1786**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1329 -- Child Abuse - Enacts "1-800-NO ABUSE ACT of 1997." by *Jackson, *McMillan, *Bowers, *Odom, *DeBerry J, *Eckles, *Turner (Hamilton). (*SB912 by *Gilbert, *Cohen, *Person, *McNally)

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Rep. Jackson moved that House Bill No. 1329 be passed on third and final consideration.

On motion, Rep. Turner (Hamilton) withdrew Children & Family Affairs Committee Amendment No. 1.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1329 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The department of children's services, the department of mental health and mental retardation, and the department of finance and administration are hereby directed to jointly conduct a study relative to establishing a statewide toll-free telephone number for the purpose of receiving reports of known or suspected abuse, neglect, or exploitation of children or adults.

Section 2. The departments shall notify each member of the general assembly of any meeting to be held concerning such study. A notice of each such meeting shall be posted in legislative plaza in Nashville at least one (1) week prior to the date of such meeting.

Section 3. The report compiled by the respective departments relative to such study shall outline a plan of procedure for the establishment, implementation and maintenance of the statewide toll-free telephone line. The report shall also estimate the initial and recurring costs of implementing and operating the statewide toll-free telephone line, including, but not limited to, equipment and personnel costs. The report shall also estimate the savings the statewide toll-free telephone line will generate for the state, both in fiscal and human terms, and including, but not limited to, the savings to the state that will be realized by earlier intervention in some cases of abuse, neglect and exploitation of children and adults.

Section 4. The report relative to such study shall be filed with the governor and the speakers of the senate and the house of representatives and made available to the public no later than December 1, 1997.

Section 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Jackson moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1329 by inserting the language "the department of human services," in Section 1 between the language "department of children's services," and "the department of mental health and mental retardation".

On motion, Amendment No. 3 was adopted.

Rep. Jackson moved that **House Bill No. 1329**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 989 -- Election Laws - Prohibits political parties from nominating candidates for state trial court judges; requires all such elections be nonpartisan. Amends TCA Title 2. by *Bowers. (*SB1600 by *Ford J)

Further consideration of House Bill No. 989, previously considered on May 21, 1997, at which time it failed and was re-referred to the Committee on Calendar & Rules, and reset to today's Calendar.

Rep. Bowers moved that House Bill No. 989 be passed on third and final consideration.

Rep. U. Jones moved the previous question, which motion prevailed.

Rep. Bowers moved that **House Bill No. 989** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	63
Noes	17
Present and not voting.....	11

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Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, Maddox, McDonald, McKee, McMillan, Miller, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Beavers, Cole (Carter), Dunn, Haley, Hargett, Hassell, Kent, McAfee, McDaniel, Mumpower, Pleasant, Sargent, Scroggs, Sharp, Walker, Westmoreland, Wood -- 17.

Representatives present and not voting were: Bird, Clabough, Godsey, Goins, Gunnels, Halteman-Harwell, Kerr, Lewis, Newton, Stamps, Walley -- 11.

A motion to reconsider was tabled.

House Bill No. 763 -- Criminal Procedure - Gives general sessions court concurrent jurisdiction with juvenile court to try misdemeanor cases of nonsupport and conduct preliminary hearings in felony nonsupport cases. Amends TCA Title 39, Chapter 15. by *Jackson. (*SB1372 by *Rochelle)

Further consideration of House Bill No. 763, previously considered on May 15, 1997, and May 22, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No(s). 763 be reset for the heel of the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

***Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by *Haynes. (HB1783 by *Odom)

Further consideration of Senate Bill No. 342, previously considered on May 22, 1997, at which time the Senate Bill was substituted for the House Bill and reset to today's Calendar.

Rep. Odom moved that Senate Bill No(s). 342 be reset for the Regular Calendar on Thursday, May 29, 1997, which motion prevailed.

***House Bill No. 1778** -- Tort Liability - Enacts "Amusement Operator Safety and Liability Act." Amends TCA Title 29, Chapter 34. by *Patton. (SB1902 by *Crowe)

Further consideration of House Bill No. 1778, previously considered on May 22, 1997, and reset to today's Calendar.

Rep. Patton moved that House Bill No(s). 1778 be reset for the first Regular Calendar of 1998, which motion prevailed.

House Bill No. 1012 -- Medicine, Practice of - Requires immunity from liability for entity, committee or individual working with medical review committees, advocating for or assisting TCA Title 63 licensees or applicants for license. Amends TCA Title 63, Chapter 6, Part 2. by *Eckles. (*SB1022 by *Ford J)

Further consideration of House Bill No. 1012, previously considered on May 22, 1997, and reset to today's Calendar.

Rep. Eckles moved that House Bill No. 1012 be passed on third and final consideration.

Rep. Pruitt requested that Health & Human Resources Amendment No. 1 be moved to the heel of the Amendments.

Rep. Eckles moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1012 by deleting in the amendatory language of Section 1 the language "advocacy for or other assistance to" and by substituting instead the language "assistance directly related to and including alcohol or drug counseling and intervention through an impaired professional program, or if none, through a requesting professional society, to".

On motion, Amendment No. 2 was adopted.

On motion, Rep. Pruitt withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Odom moved the previous question, which motion prevailed.

Rep. Eckles moved that **House Bill No. 1012**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 529 -- Real Estate Agents and Brokers - Enacts "Commercial Real Estate Broker Protection Act." Amends TCA Title 62. by *Williams (Williamson), *Bowers. (*SB626 by *Davis L)

Further consideration of House Bill No. 529, previously considered on May 22, 1997, and reset to today's Calendar.

On motion, House Bill No. 529 was made to conform with **Senate Bill No. 626**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 626 be passed on third and final consideration.

On motion, Rep. Phelan withdrew Commerce Committee Amendment No. 1.

Rep. Williams moved that **Senate Bill No. 626** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1922 -- Religion and Religious Organizations - Enacts "Tennessee Student Religious Liberty Act of 1997." Amends TCA Title 49, Chapter 6, Part 10. by *Fitzhugh, *Maddox, *Pinion, *McDaniel, *Godsey, *Cooper B, *Pleasant, *Haley, *Hargett, *Goins, *Patton, *Ford S, *Fraley. (*SB1792 by *Herron, *Dixon, *Williams)

Further consideration of House Bill No. 1922, previously considered on May 22, 1997, and reset to today's Calendar.

On motion, House Bill No. 1922 was made to conform with **Senate Bill No. 1792**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved the Senate Bill No. 1792 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Fitzhugh moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1792 by deleting subsection (b)(4) of Section 49-6-1015 of the amendatory language of SECTION 1 and substituting instead the following:

(4) Possess or distribute religious literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to possess or distribute literature on non-religious topics or subjects in such school; and

FURTHER AMEND by deleting from subsection (b)(5) of Section 49-6-1015 of the amendatory language of SECTION 1 the language "LEA" and substituting instead the language "local education agency".

FURTHER AMEND by deleting from subsection (c)(3) of Section 49-6-1015 of the amendatory language of SECTION 1 the language "days using the" and substituting instead the language "days of receiving the".

FURTHER AMEND by deleting from subsection (c)(4) of Section 49-6-1015 of the amendatory language of SECTION 1 the language "action," and substituting instead the language "action".

On motion, Amendment No. 2 was adopted.

Rep. Fitzhugh requested that the following remarks be spread upon the journal:

TO: THE SENATE AND THE HOUSE OF REPRESENTATIVES
FROM: SENATOR ROY HERRON AND REPRESENTATIVE CRAIG FITZHUGH
RE: SB 1792; THE TENNESSEE STUDENT RELIGIOUS LIBERTY ACT
DATE: MAY 26 & 27, 1997

So that the legislative record will be as clear as possible, and so that our legislative intent be readily accessible to any researching or questioning the *Tennessee Student Religious Liberty Act*, we respectfully submit this statement for the Journals or both houses.

We intend the *Tennessee Student Religious Liberty Act* to protect the religious liberty and free speech rights of students in public schools.

We believe government ought not dictate our children's prayers or beliefs. But neither should government dictate that our children cannot pray or express their beliefs.

The Constitution does not require government hostility to religion. And this legislation seeks to prevent government discrimination against religion.

PURPOSES.

We bring this legislation with ten goals which we believe the legislation can help achieve. The ten purposes can be grouped in three categories:

- (A) Fighting Confusion and Myths;
- (B) Protecting Rights and Schools;
- (C) Reducing Litigation Costs

(A) FIGHTING CONFUSION AND MYTHS.

(1) DISPELLING FALSEHOODS. The Act can help dispel myths, misunderstandings and misinformation that create religious intolerance, frustrate the public, and intimidate teachers and administrators. In the last decade we personally have heard literally hundreds of people say, "They've taken God out of the public schools." "The Supreme Court has prohibited prayer in school."

These myths, not constitutional law, but they are widely held and deeply believed. As former legislator and commissioner L.H. "Cotton" Ivy says of his friend Cuckleburr, "it ain't what Cuckleburr don't know that worries me; it's what Cuckleburr knows that just ain't so." And so it is with these myths. With this bill we can help dispel those falsehoods.

Despite what is widely reported and believed, children still have the constitutional right to pray voluntarily in public schools. And not only "silently during math tests" but out loud in certain situations.

Still, sometimes teachers and administrators, who often like so many of us are uncertain or misinformed about the law, deny students their rights. For example, earlier this year in Sumner County a fifth-grader was told he could not bring his Bible to school because that would "violate the separation of church and state."

There often is a difference between what the law is and what the practices are.

Those on the left should not be satisfied with students simply having legal rights if those rights are not observed.

Those on the right should not be satisfied with blaming the schools for denying legal rights if citizens fail to know and assert their rights.

We, like most Tennesseans, find ourselves in the center between the extremes. But those of us in the center should be even more concerned about misunderstandings, about increasing disharmony, about dispelling falsehoods and protecting and promulgating the truth.

(2) **REDUCING CONFUSION IN THE CODE.** The Tennessee Code Annotated contains provisions pertaining to "a period of silence" at the beginning of the school day and to school-related "noncompulsory" events like ballgames and commencements in the evening, but provides no guidance as to students' religious liberty rights between 8:01 a.m. and 7:00 p.m.--99% of the students' day. Those existing provisions ought not stand alone to confuse those who reasonably believe the provisions are all the law on religious freedom and free speech at public schools in Tennessee.

(3) **CLARITY.** The Act can make the religious liberty and free speech rights of students clear for teachers, administrators, parents, and students who do not have years of training in constitutional law and who may not understand or even know of federal court decisions.

(4) **AVAILABILITY.** The Act can make the law available for teachers, administrators, parents, and students who lack access to federal court decisions and publications which are expensive, often unavailable, and typically unknown to the public.

The framers of our Constitution and the authors of the Bill of Rights wisely provided both the Free Exercise Clause and the Establishment Clause. We take issue with those on the extreme left who wish to ignore the former and those on the extreme right who wish to ignore the latter.

But neither of those clauses provides detailed instruction or guidance; both of those clauses are where the law begins, not ends. Yet, the volumes of federal court decisions and federal statutes are not readily available or understood.

Many, perhaps most, of our 95 counties do not have even a single set of the United States Supreme Court decisions, much less the decisions of the U.S. Courts of Appeals and U.S. District Courts. Many do not have a single set of the United States Code. On the other hand, the Tennessee Code Annotated is in every county and provisions dealing with education are in the offices of many administrators and every school board attorney and every teacher's attorney.

(B) PROTECTING RIGHTS AND SCHOOLS.

(5) **PROTECT FIRST AMENDMENT RIGHTS.** The Act will help educators and students protect students' First Amendment rights to religious liberty and free speech. It will help prevent discrimination against those First Amendment rights.

(6) **PROTECT THE FIRST AMENDMENT.** This Act can help protect the First Amendment by helping educators, parents and students use the First Amendment properly so they do not feel compelled to seek a constitutional amendment which would have an uncertain impact, could have detrimental results, and definitely would result in waves of new lawsuits.

(7) PROTECT PUBLIC SCHOOLS. This Act can help protect and preserve public schools. Public schools remain fundamental not only for education but also for democracy and for building unity and understanding within disparate parts of our society. If people of strong faith continue to believe their children have no right to pray at school and schools are "godless," then they will continue to attack public schools and withdraw their children from public schools.

And the more we segregate our children, the less they know of others who are different. Diminished understanding of one another will not only severely damage our schools--we ultimately risk our democratic society.

¹ Because we understand the First Amendment Center is a non-profit entity with a 501(c)(3) tax status, let us make absolutely clear that we are not saying the Center is endorsing this bill or doing anything else which would violate the restrictions imposed on such non-profit organization.

(C) REDUCING LITIGATION COSTS

(8) REDUCE LITIGATION. by the Act making clear students' rights', litigation and legal conflicts can be reduced.

Furthermore, by requiring the exhaustion of administrative remedies before litigation can begin, unlike 42 U.S.C. 1983, the Act will encourage the resolution of conflicts without lawsuits.

(9) PROVIDE QUICKER, CHEAPER RESOLUTIONS IN STATE COURT.

Suits alleging violations of federal constitutional rights ordinarily are filed in federal courts. Such litigation is more expensive for both the students and the schools districts. By providing a state statute with a state forum, we encourage quicker, less expensive resolution of controversies.

(10) CREATING A SAFE HARBOR. Finally, as best articulated by Professor Charles Haynes of the First Amendment Center, this legislation seeks to provide for schools "a safe harbor." Schools can know that if they follow these provision, they they can honor and respect the constitutional rights of students and thus avoid litigation.

CONSENSUS BUILDING.

Many have worked hard to reach consensus in this area, including and especially The Freedom Forum First Amendment Center at Vanderbilt.¹ We read about their work, inquired there, and obtained information from them. We learned that they had helped create a consensus on several constitutional questions among 21 religious and educational groups, ranging from the Christian Coalition to People for the American Way.

This bill seeks to build on that consensus, setting forth religious liberty and free speech rights for students about which there is widespread agreement. In trying to build consensus for this bill, we have communicated with many, including experts on schools and school laws, among them teachers, school board members, and school superintendents.

We also have met with citizens not only in our own districts, but also other Tennesseans ranging from an interfaith group of attorneys to a group at a Jewish Community Center. We have talked with representatives of groups ranging literally from the Christian Coalition to the American Civil Liberties Union. Many suggestions and requests from these citizens and groups are incorporated in this legislation.

In the Senate Education Committee the Senate sponsor said that the only group known in opposition to this legislation as amended was the American Civil Liberties Union (ACLU). After that committee meeting, the Senate sponsor was told by the lobbyist for the ACLU that even the ACLU does not now oppose the bill. That being so, we are unaware of any group of citizens now opposing this legislation.

We are grateful for all our colleagues and all the citizens who have worked with us. We appreciate their efforts to help us try to do the right thing in the right way.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **Senate Bill No. 1792**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 94** -- Local Government, General - Requires local governments to act in most cost efficient manner possible Amends TCA Titles 5; 6; 7; 13; 54; 57; 67; 68 and 69. by *Haley, *Jones, S., *Pleasant, *Jones U (Shelby). (SB549 by *Haun, *McNally)

Senate Amendment No. 3

AMEND House Bill No. 94 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1 is amended by adding the following as a new section:

On or before July 1, 1998, any municipality, incorporated before the effective date of this act that has not adopted a personnel policy by ordinance, resolution, or otherwise, shall adopt such a policy that applies fairly, impartially, and uniformly, to the extent practicable, to each department of the municipal government. The policy may include, but not be limited to, hiring procedures, benefits, personnel rules and regulations, fair and reasonable complaint conferences and hearing procedures for employees dismissed, demoted, or suspended; procedures for compliance with federal laws such as, but not limited to, the Fair Labor Standards Act and the Americans with Disabilities Act; drug and alcohol testing policy; and a sexual harassment policy. The policy may not grant a property right or contract right to the job to any employee. The municipality may work with the University of Tennessee Municipal Technical Advisory Service, in cooperation with the Tennessee Municipal League, in developing its policy. A copy of the resolution or ordinance adopting the policy, or its caption, shall be published in a newspaper of general circulation in the municipality before final adoption of the policy. A copy of the personnel policy as required by this section shall be kept in the office of the city recorder or clerk and made available to an employee on request. Any municipality incorporated after the effective date of this act shall have two (2) years after incorporation to adopt and implement a personnel policy pursuant to this section.

Rep. Haley moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 94**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 760 -- Pardons and Paroles - Requires governor to notify speakers of senate and house and chairs of respective judiciary committees of conviction offense of felons residing in Tennessee under compact for out-of-state probation and parole supervision and sending state of such felons. Amends TCA Title 40, Chapter 28, by *Jackson, *Hargett, *Haley, *Pleasant, *Ford S, *Patton, *McDaniel, *Roach, *Kent, *McMillan, *Williams (Williamson). (*SB1365 by *Rochelle)

Senate Amendment No. 3

AMEND House Bill No. 760 by designating the existing language of Section ____ of the amendatory language of SECTION 1 as subsection (a) and by adding the following new subsection (b):

(b) The department of correction shall by rule promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, establish minimum standards that a mental health treatment program addressing violent behavior must meet in order to satisfy the requirements of this section. Upon establishing such standards, the department shall compile and make available a list, by county, of all providers offering treatment programs that meet such minimum standards.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 760**, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald,

McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1491 -- Financial Disclosure - Prohibits requiring certain financial and other disclosure statements from employees in the career service. Amends TCA Title 8, by *Chumney, *Ridgeway. (*SB1076 by *Haynes)

Senate Amendment No. 1

AMEND House Bill No. 1491 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding a new section thereto, as follows:

Section _____. No employee in the career service under Title 8, Chapter 30, shall be required by the appointing authority to submit a disclosure statement or any financial disclosure statement, unless such employee or a member of the employee's immediate family has a financial interest with a value of more than five thousand dollars (\$5,000) which would constitute a conflict of interest or a potential conflict of interest under state law or the department of personnel's policy or other departmental policy.

Disclosure to the immediate supervisor is required at the time an assignment is received which could result in a conflict. The immediate supervisor would then determine if a conflict exists which warrants reassignment of that task to another employee.

Disclosures provided for in this section shall apply to any employee or person whose duties are to regulate, inspect, audit or procure goods or services or to administer tax laws. Disclosures are required for individuals who have authority over these persons or these functions.

The appointing authority has responsibility for clearly communicating these provisions in writing to agency employees upon hiring and annually thereafter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

TUESDAY, MAY 27, 1997 -- FORTY-SEVENTH LEGISLATIVE DAY

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1491**, which motion prevailed by the following vote:

Ayes	87
Noes	7
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Hargrove, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Halteman-Harwell, Hargett, Hassell, Pleasant, Scroggs, Sharp, Walley -- 7.

Representatives present and not voting were: Goins, Odom -- 2.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. McKee moved to lift from the table the motion to reconsider Senate Bill No. 1936, which motion prevailed.

Senate Bill No. 1936 -- Surplus Property - Rewrites surplus property disposition procedures; increases certain monetary limits for fair market values, annual rentals and minimum bonding amounts regarding administration and disposition of state property. Amends TCA Section 4-15-102(f)(2); Section 12-4-201 and Title 12, Chapter 2. Repeals TCA Section 29-17-1203. by *McNally, *Atchley, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe. (*HB1803 by *McKee, *McDaniel, *Davis R)

Rep. McKee moved to reconsider action in passing Senate Bill No. 1936, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

Rep. McKee moved that **Senate Bill No. 1936** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Stulce -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1025. The Senate lifted the tabling motion; reconsidered adoption of Amendment No. 2; withdrew Amendment No. 2; adopted Amendment No. 5; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SUPPLEMENTAL MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1025 -- Public Property - With respect to public property for the sale of confiscated alcoholic beverages, requires notice of sale be posted in three instead of two public places as required in present law. Amends TCA Title 12. by *Buck. (*SB813 by *Rochelle)

Speaker Naifeh moved that House Bill No(s). 1025 be reset for the Message Calendar on Wednesday, May 28, 1997, which motion prevailed.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1206; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1206 -- Vocational Training and Rehabilitation - Establishes pilot project to provide free computer training for unemployed persons. by *Jones, S., *Langster. (*SB1252 by *Springer, *Burks)

Senate Amendment No. 1

AMEND House Bill No. 1206 in Section 1 of the printed bill by inserting after the words "a pilot project" the following:

consisting of five (5) sites statewide, two (2) in urban areas and three (3) in rural areas

Senate Amendment No. 2

AMEND House Bill No. 1206 by adding the following new section immediately before the effective date section and renumbering that section accordingly:

SECTION _____. This act shall become operative only if funding has been approved for reimbursement from the general fund for the administrative costs incurred by the commissioner of employment security for the operation of this pilot project.

Rep. S. Jones moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 1206**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1427; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1427 -- Telecommunications - Authorizes municipal electric plant to own, acquire, improve, operate, lease, and maintain telecommunications services consistent with Federal Telecommunications Act of 1996. by *Rhinehart, *Kisber, *Phelan, *Lewis. (*SB1064 by *Haynes)

Senate Amendment No. 2

AMEND House Bill No. 1427 by deleting those provisions added by House Amendment No. 1 and by reinstating the provisions of SB 1064 / HB 1427 as contained in the printed bill.

Senate Amendment No. 1

AMEND House Bill No. 1427 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 7, Chapter 52, is amended by adding the following as a new part:

Section 2. Every municipality operating an electric plant, whether pursuant to this chapter or any other public or private act or the provisions of the charter of the municipality, county or metropolitan government, has the power and is authorized, on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to acquire, construct, own, improve, operate, lease, maintain, sell, mortgage, pledge or otherwise dispose of any system, plant or equipment for the provision of telephone, telegraph, telecommunications services, or any other like system, plant, or equipment within and/or without the corporate or county limits of such municipality, and, with the consent of such other municipality, within the corporate or county limits of any other municipality, in compliance with Tennessee Code Annotated, Title 65, Chapters 4 and 5, and all other applicable state and federal laws, rules and regulations. A municipality providing any of the services authorized by this section may not dispose of all or substantially all of the system, plant and equipment used to provide such services except upon compliance with the procedures set forth in Tennessee Code Annotated, Section 7-52-132. Notwithstanding Section 65-4-

101(a)(2) or any other provision of this code or of any private act, to the extent that any municipality provides any of the services authorized by this section, such municipality shall be subject to regulation by the Tennessee Regulatory Authority in the same manner and to the same extent as other certificated providers of telecommunications services, including without limitation rules or orders governing anti-competitive practices, and shall be considered as and have the duties of a public utility, as defined in Section 65-4-101, but only to the extent necessary to effect such regulation.

Section 3. A municipality providing any of the services authorized by Section 2 of this act shall not provide subsidies for such services. Notwithstanding the limitations set forth in the preceding sentence, a municipality providing such services shall be authorized to: (a) dedicate a reasonable portion of the electric plant to the provision of such services the costs of which shall be allocated to such services for regulatory purposes; and (b) lend funds, at a rate of interest not less than the highest rate then earned by the municipality on invested electric plant funds, to acquire, construct, and provide working capital for the system, plant, and equipment necessary to provide any of the services authorized under Section 2 of this act, provided, however, that such interest costs shall be allocated to the cost of such services for regulatory purposes.

Section 4. To the extent that it provides any of the services authorized by Section 2 of this act, a municipality shall have all the powers, obligations and authority granted entities providing telecommunications services under applicable laws of the United States or the state of Tennessee. To the extent that such authority and powers do not conflict with the provisions of Tennessee Code Annotated, Title 65, Chapters 4 or 5, and any rules, regulations, or orders issued thereunder, a municipality providing any of the services authorized by Section 2 of this act shall have all the authority and powers with respect to such services as are enumerated in Tennessee Code Annotated, Title 7, Chapter 52.

Section 5. A municipality providing any of the services authorized by Section 2 of this act shall make tax equivalent payments with respect to such services in the manner established for electric systems under Tennessee Code Annotated, Title 7, Chapter 52, Part 3. For purposes of the calculation of such tax equivalent payments only, the system, plant, and equipment used to provide such services shall be considered an electric plant, and the revenues received from such services shall be considered operating revenues. For regulatory purposes, a municipality shall allocate to the costs of any services authorized by Section 2 of this act an amount equal to a reasonable determination of the state, local, and federal taxes which would be required to be paid for each fiscal year by a non-governmental corporation that provides the identical services.

Section 6. For regulatory purposes, a municipality shall allocate to the costs of providing any of the services authorized by Section 2 of this act:

(a) an amount for attachments to poles owned by the municipality equal to the highest rate charged by the municipality to any other person or entity for comparable pole attachments, and (b) any applicable rights-of-way fees, rentals, charges, or payments required by state or local law of a nongovernmental corporation that provides the identical services.

Section 7. Tennessee Code Annotated, Section 7-52-117(d), is amended by deleting the words and figures "or in counties that have adopted a metropolitan government, not to exceed two thousand dollars (\$2,000)".

Section 8. Tennessee Code Annotated, Section 7-52-102(10), is amended by inserting the language "metropolitan government," between the words "county," and "incorporated".

Section 9. Notwithstanding the authorization granted in Section 4 hereof, a municipal electric system shall not provide any of the services authorized by Section 2 of this act unrelated to its electric services within the service area of an existing telephone cooperative with fewer than one hundred thousand (100,000) total lines organized and operating under the provisions of Tennessee Code Annotated, Section 65-29-101, et seq., and therefore shall adhere to those regulations of the 1995 Tennessee Telecommunications Act and Rules of the Tennessee regulatory authority, which are applicable to the telephone cooperatives, and specifically Tennessee Code Annotated, Sections 65-4-101 and 65-29-130.

Section 10. Nothing in this act shall be construed to allow a municipality to provide any service for which a license, certification, or registration is required under Tennessee Code Annotated, Title 62, Chapter 32, Part 3.

Section 11. This act supersedes any conflicting provisions of general law, private act, charter or metropolitan charter provisions.

Section 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 13. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 1427 by inserting the following phrase immediately before the period at the end of Section 2:

"and only with respect to such municipality's provision of telephone, telegraph and communication services."

Senate Amendment No. 9

AMEND House Bill No. 1427 by adding the following new section immediately preceding the severability clause and by renumbering subsequent sections accordingly:

SECTION _____. Nothing in this act or any private act, charter, metropolitan charter, or amendments thereto, shall allow a municipality, county, metropolitan government, department, board, or other entity of local government to provide any service for which a license, certification, or registration is required under Tennessee Code Annotated, Title 62, Chapter 32, Part 3.

Senate Amendment No. 1 to Senate Amendment No. 9

AMEND House Bill No. 1427 by adding before the period at the end of the section added by Senate Amendment #9 the following:

, to operate a cable system as defined by Tennessee Code Annotated, §7-59-201(2) for the provision of cable services, to provide pager service, or to operate as an internet service provider for residential customers.

Senate Amendment No. 2 to Senate Amendment No. 9

AMEND House Bill No. 1427 by deleting the words: "for residential customers".

Senate Amendment No. 10

AMEND House Bill No. 1427 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. (a) The General Assembly finds and declares:

(1) That electricity is a necessity for all individuals, industries, businesses, municipalities and counties in the State of Tennessee; and

(2) That the generation and transmission of electric power and the sale and distribution of electricity to consumers within the state are of vital importance to the citizens of this state; and

(3) That it is the policy of the General Assembly and this state to support a regulatory climate that ensures reliable electric services at reasonable prices for all consumers as a matter of public interest; and

(4) That markets for electricity are changing nationally and appear to be rapidly moving toward increased competition; and

(5) That the deregulation of Tennessee's electric utility industry could potentially have a profound impact on state resources by decreasing utility costs; and

(6) That such utility costs can further be lowered by allowing distributors of electricity in the state to engage in other type services, such as telephone and telecommunication services; and

(7) That electric utility deregulation in Tennessee could enhance the competitive position of Tennessee's businesses and industries, including Tennessee's ability to compete more effectively in business development; and

(8) That there exist significant opportunities to provide other innovative choices for electricity, and perhaps other utility services such as telephone and telecommunication services, to consumers with a deregulated electric utility industry; and

(9) That there is a need for careful consideration of all issues involving customer choice, the potential restructuring of, and competition in the electric utility industry and the present system of electric utility regulation; and

(10) That the Federal Energy Regulatory Commission and the legislatures and regulatory commissions of forty-nine states either have implemented or are studying initiatives to restructure and to increase competition in the electric utility industry; and

(11) That the deregulation of the electric utility industry in Tennessee will be more complex than in most other states because Tennessee consumers are supplied power almost exclusively by the Tennessee Valley Authority, the nation's largest public power supplier, which enjoys certain legal rights and protections that are not present in other markets; and

(12) That the interest of Tennessee's citizens in a competitive electric utility industry, as well as competitive telecommunication services, warrants the immediate attention of the General Assembly.

(b) There is hereby created a special joint committee to study the issue of electric utility deregulation and its impact on Tennessee.

(c) The committee shall consist of four (4) members of the House of Representatives and four (4) members of the Senate to be appointed by the respective speakers; provided, that no fewer than two (2) of the members of the joint committee shall be the current chairs, vice chairs or secretaries of the standing House and Senate committees that are responsible for energy matters affecting the state.

(d) In its deliberations, the special joint committee shall study and examine the following issues, in addition to all other issues the committee deems pertinent related to the deregulation of the electric utility industry:

(1) What effect Tennessee's status as a state that is provided power almost exclusively from the Tennessee Valley Authority may have on the deregulation process;

(2) What services and other functions of the electric utility industry can best achieve their goals by being subject to competition, if any, taking into account factors such as reliability, price, profit, and rates;

(3) What services and other functions of the electric utility industry can best achieve their goals through regulation or a combination of regulation and competition, if any;

(4) Whether the electric utility industry's provision of telephone and telegraph services can enhance competition in those areas and aid the deregulation of the electric industry;

(5) With respect to those services and other functions that should be subjected to competition, the ways and means of monitoring such services and functions to ensure that there is, in fact, competition and that competition is achieving its goals; and

(6) With respect to those services and functions that should be regulated, what form such regulation should take and the ways and means of determining whether or not such regulation is achieving its goals.

(e) The study committee shall be charged with the duty and authority to interview witnesses who represent or advise suppliers, large and small industrial consumers, individual consumers and other organizations which might have experience or pertinent information on this subject.

(f) All appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

(g) All legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

(h) The special joint committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

(i) The special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One-Hundredth General Assembly, no later than February 28, 1998, after which time the committee shall cease to exist unless additional time is requested by the chair of the committee and approved by the Speakers of the House and Senate, in which case the final report shall be submitted by February 28, 1999, after which time the committee shall cease to exist.

Senate Amendment No. 11

AMEND House Bill No. 1427 by adding to Section 3 immediately after the last sentence the following:

Any loan of funds made pursuant to this section shall be approved in advance by the state director of local finance and shall contain such provisions as are required by the state director of local finance.

Senate Amendment No. 14

AMEND House Bill No. 1427 by adding to Section 2 the following new sentence immediately following the first sentence:

A municipality shall only be authorized to provide telephone, telegraph or telecommunications services through its board or supervisory body having responsibility for the municipality's electric plant.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2, 1, 3, 9, as amended by Amendment(s) No(s). 1 and 2, 10, 11 and 14 to **House Bill No. 1427**, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Kernell -- 2.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
May 27, 1997**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1714.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 2.

The Speaker appointed a Conference Committee composed of Senators Atchley, Womack and Rochelle to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1714.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 1714 -- State Employees - Revises provisions for public and university employee insurance. Amends TCA Title 27, Chapter 8. by *Atchley. (*HB1519 by *Rhinehart)

Rep. Davidson moved that the House refuse to recede from its action in adopting House Amendment No. 2 to Senate Bill No. 1714, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1714**

Pursuant to Rule No. 73, Representative Davidson moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences of the two bodies on Senate Bill No. 1714, which motion prevailed.

The Speaker appointed Representatives Davidson, Head and Davis as the House members of the Conference Committee on Senate Bill No. 1714.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2010; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2010 -- Anderson County - Subject to local approval, implements severance tax on pulpwood, by *Caldwell. (*SB1992 by *McNally)

Senate Amendment No. 1

AMEND House Bill No. 2010 by deleting from Section 2(c) in its entirety, and by substituting therefor the following:

(c) The tax levied shall be a lien upon all such products severed in the county, which lien upon such products shall be entitled to preference over all judgments, encumbrances or liens whatsoever created; and upon the real property from which such products were severed provided that, with respect to real property, said lien shall be effective when the county causes a notice thereof to be filed in the office of the register of deeds of the county in which the real property lies, second only to liens of the state, county and any municipality for taxes, any lien of the county for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice; such notice shall identify the owner of record of the real property, contain the property address if any, described the property sufficient to identify it, and recite the amount of the obligation secured by the lien.

Rep. Caldwell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2010**, which motion prevailed by the following vote:

Ayes	76
Noes	9
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McKee, Miller, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walley, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Curtiss, Goins, Head, McDonald, McMillan, Robinson, Turner (Hamilton), Walker, Windle -- 9.

Representatives present and not voting were: Cross, Godsey, Kernell, Lewis, Newton, Towns, West -- 7.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1025 -- Public Property - With respect to public property for the sale of confiscated alcoholic beverages, requires notice of sale be posted in three instead of two public places as required in present law. Amends TCA Title 12. by *Buck. (*SB813 by *Rochelle)

Without objection, House Bill No. 1025, which was previously considered on today's Message Calendar and reset for tomorrow's Message Calendar, was heard out of order.

Senate Amendment No. 5

AMEND House Bill No. 1025 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-2-403, is amended by adding the following new subdivision to subsection (c):

(3) A member of the general assembly may purchase office furniture, equipment, or other personal property for use in the home district legislative office of such member if such furniture, equipment or property has been declared surplus and classified by the commissioner for disposal pursuant to procedures established in Section 12-2-407 for sales to governmental entities.

SECTION 2. A member of the general assembly may purchase through the office of legislative administration computer equipment for legislative use which is the same as or compatible with the computer hardware or software installed or used by legislative information systems for the general assembly. The cost of any purchases made pursuant to this section shall be borne by the member of the general assembly requesting the purchase of such items. The office of legislative information systems is authorized to install and maintain, at its office in Nashville, such computer programs and equipment purchased by the member for legislative use. Nothing in this act shall prohibit the office of legislative information from providing information and technical support to the member by telephone, email or other type of electronic communication.

SECTION 3. This act shall take effect on becoming a law, the public welfare requiring it.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 1025**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Kent moved to suspend the rules for the purpose of considering House Bill No. 1677 out of order, which motion prevailed.

House Bill No. 1677 -- Bail, Bail Bonds - Establishes duration of criminal bail bonds and times during appellate process when defendant must make new bonds Amends TCA Title 40, Chapter 11. by *Kent, *Windle. (*SB818 by *Rochelle)

Further consideration of House Bill No. 1677, previously considered on today's Consent Calendar, at which time it was objected to and reset for the Regular Calendar on Wednesday, May 28, 1997. The rules were suspended to allow House Bill No. 1677 to be heard today.

Rep. Windle moved that House Bill No. 1677 be passed on third and final consideration.

Rep. Cole (Carter) moved the previous question, which motion prevailed.

Rep. Windle moved that **House Bill No. 1677** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	1
Present and not voting	4

TUESDAY, MAY 27, 1997 -- FORTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Brooks, Chumney, Kernell, Sands -- 4.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 27, 1997:

House Resolution No. 96 -- Memorials, Interns - Michael Markham. by *Davidson.

House Resolution No. 97 -- Memorials, Recognition and Thanks - Citizens of West Nashville. by *Odom.

House Resolution No. 98 -- Memorials, Personal Achievement - K. Daniel Deal, Eagle Scout. by *Ferguson.

House Resolution No. 99 -- Memorials, Personal Occasion - Ullis and Aileen Lynch, 50th wedding anniversary. by *Goins.

House Resolution No. 100 -- Memorials, Recognition and Thanks - Buster Turner. by *Goins.

House Resolution No. 101 -- Memorials, Retirement - John C. Russell. by *Goins.

House Resolution No. 102 -- Memorials, Congratulations - Anne Dunn on election as Mayor of Brentwood. by *Sargent.

House Resolution No. 104 -- Memorials, Retirement - Mayor Mike Miller, Rockwood. by *Ferguson.

House Resolution No. 105 -- Memorials, Retirement - City Councilman Charles Edwards, Rockwood. by *Ferguson.

House Resolution No. 106 -- Memorials, Personal Achievement - Andrew King, Eagle Scout. by *Ferguson.

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House Resolution No. 107 -- Memorials, Recognition and Thanks - David Chapman, Chair, for March of Dimes 1997 WalkAmerica. by *Goins, *Cross.

House Resolution No. 108 -- Memorials, Interns - Giovanni N.Dortch. by *Bowers, *Brooks.

House Resolution No. 109 -- Memorials, Professional Achievement - Sister Mary Joseph, Second Superior, Dominican Monastery of St. Jude. by *Langster, *Garrett, *Pruitt, *Jones, S., *Jones U (Shelby), *DeBerry J, *Miller L, *Armstrong, *Fitzhugh, *Halteman Harwell, *Walley.

House Resolution No. 110 -- Memorials, Interns - Marcia Denise Prewitt. by *McDaniel, *Stamps.

House Resolution No. 111 -- Memorials, Interns - Rebecca Suzanne Pack. by *McDaniel, *Walley, *Stamps.

House Joint Resolution No. 352 -- Memorials, Academic Achievement - Clinton High School Mock Trial Team, second place in national competition. by *Caldwell.

House Joint Resolution No. 353 -- Memorials, Recognition and Thanks - Strawberry Festival, 50th Anniversary. by *Walker.

House Joint Resolution No. 354 -- Memorials, Sports - Megan Dunigan, second consecutive singles tennis championship. by *Caldwell.

House Joint Resolution No. 355 -- Memorials, Sports - Oak Ridge High School tennis team, state champions. by *Caldwell.

House Joint Resolution No. 356 -- Memorials, Professional Achievement - J & S Construction, 40th Anniversary. by *Hargrove.

House Joint Resolution No. 357 -- Memorials, Recognition and Thanks - Avron B. Fogelman, Fogelman Scholars Program. by *Miller L.

House Joint Resolution No. 358 -- Memorials, Retirement - Fire Chief Bruce Cureton. by *Burchett.

House Joint Resolution No. 359 -- Memorials, Academic Achievement - Stacy Lynn Weaver, Salutatorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 360 -- Memorials, Academic Achievement - Sharon M. Burnette, Salutatorian, Horace Maynard High School. by *Goins.

House Joint Resolution No. 361 -- Memorials, Recognition and Thanks - Geoffrey Wolpert and Park Grill. by *Kent.

House Joint Resolution No. 362 -- Memorials, Academic Achievement - Leanne Welch, Valedictorian, Claiborne County High School. by *Goins.

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House Joint Resolution No. 363 -- Memorials, Academic Achievement - Amanda Lynn Salyer, Salutatorian, Horace Maynard High School. by *Goins.

House Joint Resolution No. 364 -- Memorials, Government Officials - Urges City of Memphis Fire Department to name 12 pieces of fire equipment after original 12 African-American firefighters in Memphis. by *Cooper B, *Pleasant, *DeBerry J, *Fraleigh, *Phelan, *Jones U (Shelby), *Pruitt, *Bowers, *Towns, *Brooks, *Stulce, *Pinion, *Hargett, *Windle, *Kernell, *Armstrong, *Miller L, *Cross, *Kent, *Caldwell, *Scroggs, *DeBerry L, *Bird, *Bone, *Hood.

House Joint Resolution No. 365 -- Memorials, Academic Achievement - Allison Gail Gilliam. by *Chumney.

House Joint Resolution No. 366 -- Memorials, Interns - Tara Lauren McDowell. by *Cross, *Odom, *Brown.

House Joint Resolution No. 367 -- Memorials, Academic Achievement - Amy Dudor, Salutatorian, Cornersville High School. by *Fowlkes.

House Joint Resolution No. 368 -- Memorials, Academic Achievement - Mark Dowlen, Valedictorian, Cornersville High School. by *Fowlkes, *Beavers.

House Joint Resolution No. 369 -- Memorials, Personal Achievement - Beverly Jones, National Adult Spokesperson for Easter Seals. by *Beavers, *Bone.

House Joint Resolution No. 370 -- Memorials, Academic Achievement - Joel Eugene Moss, Highest Honors, Marshall County High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 371 -- Memorials, Academic Achievement - Nancy Warden, Salutatorian, Forrest High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 372 -- Memorials, Academic Achievement - Sabrina Baxter, Valedictorian, Forrest High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 373 -- Memorials, Academic Achievement - Laura Denise Starnes, highest honors, Marshall County High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 374 -- Memorials, Recognition and Thanks - Lottie Wooden Allen. by *Turner (Shelby).

House Joint Resolution No. 375 -- Memorials, Professional Achievement - Norma F. Griffin, 1997 Distinguished Role Model of the Year. by *Turner (Shelby).

House Joint Resolution No. 376 -- Memorials, Recognition and Thanks - American Cancer Society Relay of Life. by *Fitzhugh.

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House Joint Resolution No. 377 -- Memorials, Retirement - Vernon McBride Jr., Lauderdale County Court Clerk. by *Fitzhugh.

House Joint Resolution No. 378 -- Memorials, Public Service - Everett Luke Winston. by *Langster, *Pruitt, *West, *Jones, S., *Jones U (Shelby), *DeBerry J, *Miller L, *Armstrong, *Fitzhugh, *Halteman Harwell, *Maddox.

House Joint Resolution No. 379 -- Memorials, Recognition and Thanks - George Carter, Jr. by *Langster, *Pruitt, *West, *Jones, S., *Jones U (Shelby), *DeBerry J, *Miller L, *Armstrong, *Fitzhugh, *Halteman Harwell, *Maddox.

House Joint Resolution No. 380 -- Memorials, Retirement - Charles J. Patterson, Jr. by *DeBerry L, *Bowers.

House Joint Resolution No. 381 -- Memorials, Retirement - Lee Victory. by *Hood, *Eckles, *Beavers.

House Joint Resolution No. 382 -- Memorials, Recognition and Thanks - Norman C. Acres. by *Winningham.

House Joint Resolution No. 383 -- Memorials, Interns - John-Paul Stewart, Page. by *West.

House Joint Resolution No. 384 -- Memorials, Interns - Eric Ledger, Senior Page. by *West.

House Joint Resolution No. 385 -- Memorials, Interns - Stephen Campbell, Senior Page. by *West.

House Joint Resolution No. 386 -- Memorials, Interns - Rachel Kanarowski, Senior Page. by *West.

House Joint Resolution No. 387 -- Memorials, Interns - Jacob Harper, Senior Page, House Clerk's Office. by *West.

House Joint Resolution No. 388 -- Memorials, Interns - Brady Banks, Senior Page. by *West.

House Joint Resolution No. 389 -- Memorials, Interns - Jill Cantwell, Senior Page, House of Representatives. by *Odom.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for May 27, 1997:

Senate Joint Resolution No. 277 -- Memorials, Academic Achievement - Samuel John Crutcher, Valedictorian, Friendship Christian School. by *Rochelle.

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Senate Joint Resolution No. 278 -- Memorials, Academic Achievement - Paul Thaxton, Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 279 -- Memorials, Interns - Christina McKinney. by *Springer.

Senate Joint Resolution No. 293 -- Memorials, Academic Achievement - Tara Webb, Valedictorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 294 -- Memorials, Academic Achievement - Katie Canida, Salutatorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 295 -- Memorials, Recognition and Thanks - Saint Mary's Catholic School choir. by *McNally, *Davis L, *Wilder.

Senate Joint Resolution No. 296 -- Memorials, Death - Commissioner George W. Davis. by *Crowe.

Senate Joint Resolution No. 297 -- Memorials, Interns - Jennifer Garrison. by *Herron.

Senate Joint Resolution No. 298 -- Memorials, Sports - Brad Nielsen. by *Herron.

Senate Joint Resolution No. 299 -- Memorials, Sports - Beth Anne Boroughs. by *Herron.

Senate Joint Resolution No. 301 -- Memorials, Death - Christopher "Chris" Clark Lendley. by *Burks.

Senate Joint Resolution No. 302 -- Memorials, Professional Achievement - Randy and Bill Cunningham, State Farm Insurance, Fayetteville, 68 years of service. by *Cooper.

Senate Joint Resolution No. 305 -- Memorials, Interns - Janet Layman. by *Womack.

Senate Joint Resolution No. 306 -- Memorials, Public Service - Robert C. Byrd, Sr. by *Kyle, *Cohen.

Senate Joint Resolution No. 307 -- Memorials, Public Service - Representative Dan R. Byrd, Bartlett. by *Kyle, *Cohen, *Harper, *McNally.

Senate Joint Resolution No. 310 -- Memorials, Sports - Dana Conner. by *Herron.

Senate Joint Resolution No. 311 -- Memorials, Sports - Ashley McElhiney. by *Herron.

Senate Joint Resolution No. 312 -- Memorials, Sports - Julian Robinson. by *Herron.

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Senate Joint Resolution No. 313 -- Memorials, Sports - Nate Davis. by *Herron.

Senate Joint Resolution No. 314 -- Memorials, Sports - Marvin McKnight and Joe "Nip" McKnight, Jackson-Madison County Sports Hall of Fame. by *Herron, *Carter, *Cohen, *Harper.

Senate Joint Resolution No. 323 -- Memorials, Interns - Sam Allen. by *Burks.

Senate Joint Resolution No. 324 -- Memorials, Academic Achievement - Brian Cunningham, Valedictorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 325 -- Memorials, Academic Achievement - Emily Lynne George, Salutatorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 326 -- Memorials, Personal Occasion - Rhoda Cates Hyder, 90th birthday. by *Crowe.

Senate Joint Resolution No. 328 -- Memorials, Sports - Tonya Tuggles. by *Carter, *Herron.

CONSENT CALENDAR
May 27, 1997

The following local bills have been placed on the Supplemental Consent Calendar for **May 27, 1997**: House Bill(s) No(s). 2014 and 2015.

SUPPLEMENTAL CONSENT CALENDAR

House Bill No. 2014 -- Paris - At the request of Paris special school district board, authorizes issuance of \$3 million in bonds by district for construction of new school building. Amends Chapter 150 of the Private Acts of 1919. by *Ridgeway. (SB2004 by *Herron)

On motion, House Bill No. 2014 was made to conform with **Senate Bill No. 2004**; the Senate Bill was substituted for the House Bill.

House Bill No. 2015 -- Monterey - Subject to approval by referendum, revises city charter to extend current terms of mayor and aldermen to August 2000 general election so that two year terms would run from that election instead of December election. Amends Chapter 492 of the Acts of 1901. by *Hargrove. (SB1995 by *Burks)

On motion, House Bill No. 2015 was made to conform with **Senate Bill No. 1995**; the Senate Bill was substituted for the House Bill.

House Resolution No. 96 -- Memorials, Interns - Michael Markham. by *Davidson.

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House Resolution No. 97 -- Memorials, Recognition and Thanks - Citizens of West Nashville. by *Odom.

House Resolution No. 98 -- Memorials, Personal Achievement - K. Daniel Deal, Eagle Scout. by *Ferguson.

House Resolution No. 99 -- Memorials, Personal Occasion - Ullis and Aileen Lynch, 50th wedding anniversary. by *Goins.

House Resolution No. 100 -- Memorials, Recognition and Thanks - Buster Turner. by *Goins.

House Resolution No. 101 -- Memorials, Retirement - John C. Russell. by *Goins.

House Resolution No. 102 -- Memorials, Congratulations - Anne Dunn on election as Mayor of Brentwood. by *Sargent.

House Resolution No. 104 -- Memorials, Retirement - Mayor Mike Miller, Rockwood. by *Ferguson.

House Resolution No. 105 -- Memorials, Retirement - City Councilman Charles Edwards, Rockwood. by *Ferguson.

House Resolution No. 106 -- Memorials, Personal Achievement - Andrew King, Eagle Scout. by *Ferguson.

House Resolution No. 107 -- Memorials, Recognition and Thanks - David Chapman, Chair, for March of Dimes 1997 WalkAmerica. by *Goins, *Cross.

House Resolution No. 108 -- Memorials, Interns - Giovanni N.Dortch. by *Bowers, *Brooks.

House Resolution No. 109 -- Memorials, Professional Achievement - Sister Mary Joseph, Second Superior, Dominican Monastery of St. Jude. by *Langster, *Garrett, *Pruitt, *Jones, S., *Jones U (Shelby), *DeBerry J, *Miller L, *Armstrong, *Fitzhugh, *Halteman Harwell, *Walley.

House Resolution No. 110 -- Memorials, Interns - Marcia Denise Prewitt. by *McDaniel, *Stamps.

House Resolution No. 111 -- Memorials, Interns - Rebecca Suzanne Pack. by *McDaniel, *Walley, *Stamps.

House Joint Resolution No. 352 -- Memorials, Academic Achievement - Clinton High School Mock Trial Team, second place in national competition. by *Caldwell.

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House Joint Resolution No. 357 -- Memorials, Recognition and Thanks - Avron B. Fogelman, Fogelman Scholars Program. by *Miller L.

House Joint Resolution No. 358 -- Memorials, Retirement - Fire Chief Bruce Cureton. by *Burchett.

House Joint Resolution No. 359 -- Memorials, Academic Achievement - Stacy Lynn Weaver, Salutatorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 360 -- Memorials, Academic Achievement - Sharon M. Burnette, Salutatorian, Horace Maynard High School. by *Goins.

House Joint Resolution No. 361 -- Memorials, Recognition and Thanks - Geoffrey Wolpert and Park Grill. by *Kent.

House Joint Resolution No. 362 -- Memorials, Academic Achievement - Leanne Welch, Valedictorian, Claiborne County High School. by *Goins.

House Joint Resolution No. 363 -- Memorials, Academic Achievement - Amanda Lynn Salyer, Salutatorian, Horace Maynard High School. by *Goins.

***House Joint Resolution No. 364** -- Memorials, Government Officials - Urges City of Memphis Fire Department to name 12 pieces of fire equipment after original 12 African-American firefighters in Memphis. by *Cooper B, *Pleasant, *DeBerry J, *Fraleigh, *Phelan, *Jones U (Shelby), *Pruitt, *Bowers, *Towns, *Brooks, *Stulce, *Pinion, *Hargett, *Windle, *Kernell, *Armstrong, *Miller L, *Cross, *Kent, *Caldwell, *Scroggs, *DeBerry L, *Bird, *Bone, *Hood.

House Joint Resolution No. 365 -- Memorials, Academic Achievement - Allison Gail Gilliam. by *Chumney.

House Joint Resolution No. 366 -- Memorials, Interns - Tara Lauren McDowell. by *Cross, *Odom, *Brown.

House Joint Resolution No. 367 -- Memorials, Academic Achievement - Amy Dutor, Salutatorian, Cornersville High School. by *Fowlkes.

House Joint Resolution No. 368 -- Memorials, Academic Achievement - Mark Dowlen, Valedictorian, Cornersville High School. by *Fowlkes, *Beavers.

TUESDAY, MAY 27, 1997 -- FORTY-SEVENTH LEGISLATIVE DAY

House Joint Resolution No. 369 -- Memorials, Personal Achievement - Beverly Jones, National Adult Spokesperson for Easter Seals. by *Beavers, *Bone.

House Joint Resolution No. 370 -- Memorials, Academic Achievement - Joel Eugene Moss, Highest Honors, Marshall County High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 371 -- Memorials, Academic Achievement - Nancy Warden, Salutatorian, Forrest High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 372 -- Memorials, Academic Achievement - Sabrina Baxter, Valedictorian, Forrest High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 373 -- Memorials, Academic Achievement - Laura Denise Starnes, highest honors, Marshall County High School. by *Beavers, *Fowlkes.

House Joint Resolution No. 374 -- Memorials, Recognition and Thanks - Lottie Wooden Allen. by *Turner (Shelby).

House Joint Resolution No. 375 -- Memorials, Professional Achievement - Norma F. Griffin, 1997 Distinguished Role Model of the Year. by *Turner (Shelby).

House Joint Resolution No. 376 -- Memorials, Recognition and Thanks - American Cancer Society Relay of Life. by *Fitzhugh.

House Joint Resolution No. 377 -- Memorials, Retirement - Vernon McBride Jr., Lauderdale County Court Clerk. by *Fitzhugh.

House Joint Resolution No. 378 -- Memorials, Public Service - Everett Luke Winston. by *Langster, *Pruitt, *West, *Jones, S., *Jones U (Shelby), *DeBerry J, *Miller L, *Armstrong, *Fitzhugh, *Halteman Harwel, *Maddox.

House Joint Resolution No. 379 -- Memorials, Recognition and Thanks - George Carter, Jr. by *Langster, *Pruitt, *West, *Jones, S., *Jones U (Shelby), *DeBerry J, *Miller L, *Armstrong, *Fitzhugh, *Halteman Harwell, *Maddox.

House Joint Resolution No. 380 -- Memorials, Retirement - Charles J. Patterson, Jr. by *DeBerry L, *Bowers.

House Joint Resolution No. 381 -- Memorials, Retirement - Lee Victory. by *Hood, *Eckles, *Beavers.

House Joint Resolution No. 382 -- Memorials, Recognition and Thanks - Norman C. Acres. by *Winningham.

House Joint Resolution No. 383 -- Memorials, Interns - John-Paul Stewart, Page. by *West.

House Joint Resolution No. 384 -- Memorials, Interns - Eric Ledger, Senior Page. by *West.

TUESDAY, MAY 27, 1997 -- FORTY-SEVENTH LEGISLATIVE DAY

House Joint Resolution No. 385 -- Memorials, Interns - Stephen Campbell, Senior Page. by *West.

House Joint Resolution No. 386 -- Memorials, Interns - Rachel Kanarowski, Senior Page. by *West.

House Joint Resolution No. 387 -- Memorials, Interns - Jacob Harper, Senior Page, House Clerk's Office. by *West.

House Joint Resolution No. 388 -- Memorials, Interns - Brady Banks, Senior Page. by *West.

House Joint Resolution No. 389 -- Memorials, Interns - Jill Cantwell, Senior Page, House of Representatives. by *Odom.

Senate Joint Resolution No. 277 -- Memorials, Academic Achievement - Samuel John Crutcher, Valedictorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 278 -- Memorials, Academic Achievement - Paul Thaxton, Salutatorian, Friendship Christian School. by *Rochelle.

Senate Joint Resolution No. 279 -- Memorials, Interns - Christina McKinney. by *Springer.

Senate Joint Resolution No. 293 -- Memorials, Academic Achievement - Tara Webb, Valedictorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 294 -- Memorials, Academic Achievement - Katie Canida, Salutatorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 295 -- Memorials, Recognition and Thanks - Saint Mary's Catholic School choir. by *McNally, *Davis L, *Wilder.

Senate Joint Resolution No. 296 -- Memorials, Death - Commissioner George W. Davis. by *Crowe.

Senate Joint Resolution No. 297 -- Memorials, Interns - Jennifer Garrison. by *Herron.

Senate Joint Resolution No. 298 -- Memorials, Sports - Brad Nielsen. by *Herron.

Senate Joint Resolution No. 299 -- Memorials, Sports - Beth Anne Boroughs. by *Herron.

Senate Joint Resolution No. 301 -- Memorials, Death - Christopher "Chris" Clark Lendley. by *Burks.

Senate Joint Resolution No. 302 -- Memorials, Professional Achievement - Randy and Bill Cunningham, State Farm Insurance, Fayetteville, 68 years of service. by *Cooper.

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Senate Joint Resolution No. 305 -- Memorials, Interns - Janet Layman. by *Womack.

Senate Joint Resolution No. 306 -- Memorials, Public Service - Robert C. Byrd, Sr. by *Kyle, *Cohen.

Senate Joint Resolution No. 307 -- Memorials, Public Service - Representative Dan R. Byrd, Bartlett. by *Kyle, *Cohen, *Harper, *McNally.

Senate Joint Resolution No. 310 -- Memorials, Sports - Dana Conner. by *Herron.

Senate Joint Resolution No. 311 -- Memorials, Sports - Ashley McElhiney. by *Herron.

Senate Joint Resolution No. 312 -- Memorials, Sports - Julian Robinson. by *Herron.

Senate Joint Resolution No. 313 -- Memorials, Sports - Nate Davis. by *Herron.

Senate Joint Resolution No. 314 -- Memorials, Sports - Marvin McKnight and Joe "Nip" McKnight, Jackson-Madison County Sports Hall of Fame. by *Herron, *Carter, *Cohen, *Harper.

Senate Joint Resolution No. 323 -- Memorials, Interns - Sam Allen. by *Burks.

Senate Joint Resolution No. 324 -- Memorials, Academic Achievement - Brian Cunningham, Valedictorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 325 -- Memorials, Academic Achievement - Emily Lynne George, Salutatorian, Mt. Juliet High School. by *Rochelle.

Senate Joint Resolution No. 326 -- Memorials, Personal Occasion - Rhoda Cates Hyder, 90th birthday. by *Crowe.

Senate Joint Resolution No. 328 -- Memorials, Sports - Tonya Tuggles. by *Carter, *Herron.

Rep. West moved that all members voting aye on Senate Joint Resolution No. 307 be added as sponsors, which motion prevailed.

OBJECTION -- SUPPLEMENTAL CONSENT CALENDAR

Objection(s) was/were filed to the following on the Supplemental Consent Calendar:

House Joint Resolution No. 367: by Rep. Fowlkes

Under the rules, House Joint Resolution No: 367 was/were placed at the foot of the calendar for May 28, 1997.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

REPORT OF DELAYED BILLS COMMITTEE
May 27, 1997

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2025.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2032 -- Nolensville - Subject to local approval, enacts "Town of Nolensville Adequate Facilities Tax.". by *Sargent.

House Bill No. 2033 -- Scott County - Subject to local approval, sets maximum salary of the county attorney at \$30,000. Amends Chapter 289 of the Private Acts of 1976. by *Winningham.

House Bill No. 2034 -- Union County - Subject to local approval, regulates location and development of planned mobile home parks. by *Goins, *Boyer, *Kerr.

***House Bill No. 2025** -- County Boundaries - Revises boundary between Coffee and Franklin counties. by *Lewis, *Fraley.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2025** -- County Boundaries -- House Calendar & Rules Committee

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Ferguson, **House Resolution No. 103** was withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 330: Rep(s). Stamps as prime sponsor(s).

House Bill No. 535: Rep(s). McMillan as prime sponsor(s).

House Bill No. 636: Rep(s). Chumney as prime sponsor(s).

House Bill No. 697: Rep(s). Odom, Stamps and Naifeh as prime sponsor(s).

House Bill No. 797: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 861: Rep(s). Lewis as prime sponsor(s).

House Bill No. 973: Rep(s). Bowers as prime sponsor(s).

House Bill No. 1042: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 1047: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 1354: Rep(s). McMillan as prime sponsor(s).

House Bill No. 1360: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1401: Rep(s). Lewis and Walley as prime sponsor(s).

House Bill No. 1443: Rep(s). Lewis and Walley as prime sponsor(s).

House Bill No. 1580: Rep(s). Burchett as prime sponsor(s).

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House Bill No. 1606: Rep(s). Gunnels, Cole (Dyer), Kisber, Rinks, Davis, Walley and Wood as prime sponsor(s).

House Bill No. 1793: Rep(s). Walley as prime sponsor(s).

House Bill No. 1794: Rep(s). Walley as prime sponsor(s).

House Bill No. 1822: Rep(s). Lewis, Bittle and Walley as prime sponsor(s).

House Bill No. 1996: Rep(s). Maddox as prime sponsor(s).

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 64; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 320, 321, 322, 324, 325, 326, 327 and 328; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 150, 298, 1008, 1028, 1344, 1424, 1674, 1756, 1839, 1998 and 2003; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 27, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 64, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 320, 321, 322, 324, 325, 326, 327 and 328.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
May 27, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 64, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 320, 321, 322, 324, 325, 326, 327 and 328

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
May 27, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1495 and 1967, also, House Joint Resolution(s) No(s). 70 and 84; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS
May 27, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 150, 298, 1008, 1028, 1344, 1424, 1674, 1756, 1839, 1998 and 2003.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
May 27, 1997

The Speaker signed the following: House Bill(s) No(s). 150, 298, 1008, 1028, 1344, 1424, 1674, 1756, 1839, 1998 and 2003.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 27, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 500, 629, 878, 1182, 1405, 1467, 1575, 1758 and 1913; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 27, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 5, 77, 315, 544, 645, 1193, 1242, 1325, 1375, 1579, 1944, 1987 and 1988; also, Senate Joint Resolution(s) No(s). 84, 99, 101, 179, 196 and 230 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 266, 339, 383, 545, 599, 615, 800, 801, 832, 1052, 1062, 1162, 1259, 1289, 1301, 1337, 1620, 1652, 1755, 1925, 1946, 1988, 1997, 1999, 2002, 2004, 2007, 2008 and 2009; also, House Joint Resolution(s) No(s). 54, 142, 286, 302, 303, 304, 305, 317 and 347; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 27, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 64, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 320, 321, 322, 324, 325, 326, 327 and 328; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 27, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 266, 339, 383, 545, 599, 615, 800, 801, 832, 1052, 1062, 1162, 1259, 1289, 1301, 1337, 1620, 1652, 1755, 1925, 1946, 1988, 1997, 1999, 2002, 2004, 2007, 2008 and 2009; also, House Joint Resolution(s) No(s). 54, 64, 142, 286, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 317, 320, 321, 322, 324, 325, 326, 327, 328 and 347.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 27, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2021; also, House Joint Resolution(s) No(s) 29, 48, 49, 52, 194, 199, 248, 280, 281, 287, 309, 330, 341, 345, 346, 348, 349, 350 and 351.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 27, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388 and 389.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
May 27, 1997

The following local bills have been placed on the Consent Calendar for **May 28, 1997**: House Bill(s) No(s). 2022, 2023 and 2024.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Wednesday, May 28, 1997.